

## **EXHIBIT C**

### **Deposition of Wendy Roberson**

*Part I*

Transcript of the Testimony of  
Wendy Roberson

**Date:** September 28, 2007

**DANIEL B. KELLY**  
**vs.**  
**RICKY OWENS**

Printed On: October 18, 2007

Daniel Court Reporting, Inc.  
Phone: 205-250-7765  
Fax: 205-252-6224  
Email: danielreporting@aol.com

## Daniel Court Reporting, Inc.

|  |   |
|--|---|
| <p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR<br/>THE MIDDLE DISTRICT OF ALABAMA<br/>SOUTHERN DIVISION</p> <p>DANIEL BRYAN KELLY,        )<br/>                                  )<br/>Plaintiff,                    )<br/>                                  )<br/>vs.                            ) Civil Action No.<br/>                                  ) 2:50-cv-01150-MHT<br/>                                  )<br/>RICKY OWENS, et al.,        )<br/>                                  )<br/>Defendant.                    )</p> <p style="text-align: center;">DEPOSITION OF WENDY ROBERSON</p> <p style="text-align: center;">S T I P U L A T I O N S</p> <p style="text-align: center;">IT IS STIPULATED AND AGREED,<br/>by and between the parties through<br/>their respective counsel, that the<br/>deposition of WENDY ROBERSON may be</p>  | <p style="text-align: center;">3</p> <p>1 trial, or at the time said<br/>2 deposition is offered in evidence,<br/>3 or prior thereto.<br/>4 IT IS FURTHER STIPULATED AND<br/>5 AGREED that notice of filing of the<br/>6 deposition by the Commissioner is<br/>7 waived.<br/>8<br/>9<br/>10<br/>11<br/>12<br/>13<br/>14<br/>15<br/>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23</p>  |
| <p style="text-align: center;">2</p> <p>1 taken before Sandra Peebles Daniel,<br/>2 Commissioner, Notary Public, State<br/>3 at Large, at the Coosa County<br/>4 Courthouse, Courthouse, One Main<br/>5 Street, Rockford, Alabama 35136, on<br/>6 the 28th day of September, 2007,<br/>7 beginning at approximately 8:20 a.m.<br/>8 IT IS FURTHER STIPULATED AND<br/>9 AGREED that the reading of and<br/>10 signature to the deposition by the<br/>11 witness is waived, the deposition to<br/>12 have the same force and effect as if<br/>13 full compliance had been had with<br/>14 all laws and rules of Court relating<br/>15 to the taking of depositions.<br/>16 IT IS FURTHER STIPULATED AND<br/>17 AGREED that it shall not be<br/>18 necessary for any objections to be<br/>19 made by counsel to any questions,<br/>20 except as to form or leading<br/>21 questions, and that counsel for the<br/>22 parties may make objections and<br/>23 assign grounds at the time of the</p> | <p style="text-align: center;">4</p> <p>1 INDEX<br/>2 EXAMINATION BY: PAGE:<br/>3 Mr. Stockham ..... 9-229<br/>4 Mr. Wilson ..... 229-230<br/>5 Ms. McDonald ..... 230-237<br/>6<br/>7<br/>8<br/>9 EXHIBITS<br/>10 FOR THE PLAINTIFF: PAGE:<br/>11 Exhibit 1 ..... 58<br/>12 (Medical summary form)<br/>13 Exhibit 2 ..... 61<br/>14 (Authorization to release of<br/>15 medical information)<br/>16 Exhibit 3 ..... 85<br/>17 Inmate request form, 10-13-03)<br/>18 Exhibit 4 ..... 89<br/>19 (Medical request form, 12-11-03)<br/>20 Exhibit 5 ..... 92<br/>21 (Inmate request form, 11-30-03)<br/>22 Exhibit 6 ..... 96<br/>23 (Inmate request form, 12-1)</p> |

1 (Pages 1 to 4)

1310 32nd Street S.  
Birmingham, Alabama 35205

205-250-7765  
danielreporting@aol.com

## Daniel Court Reporting, Inc.

|                                      |                                   |
|--------------------------------------|-----------------------------------|
| 5                                    | 7                                 |
| 1 Exhibit 7 ..... 98                 | 1 APPEARANCES                     |
| 2 (Inmate request form, 12-2)        | 2                                 |
| 3 Exhibit 8 ..... 100                | 3 BEFORE:                         |
| 4 (Inmate request form, 12-3-03)     | 4 Sandra Peebles Daniel,          |
| 5 Exhibit 9 ..... 105                | 5 Commissioner, Notary Public     |
| 6 (Inmate request form, 12-7-03)     | 6                                 |
| 7 Exhibit 10 ..... 112               | 7 FOR THE PLAINTIFF:              |
| 8 (Inmate summary form)              | 8 Mr. Richard J. Stockham, III    |
| 9 Exhibit 11 ..... 116               | 9 STOCKHAM, CARROLL & SMITH, P.C. |
| 10 (Inmate medical summary)          | 10 2204 Lakeshore Drive           |
| 11 Exhibit 12 ..... 128              | 11 Suite 114                      |
| 12 (Summary of inmate care, 1-16-04) | 12 Birmingham, Alabama 35209      |
| 13 Exhibit 13 ..... 129              | 13                                |
| 14 (Inmate request form, 12-10)      | 14 FOR THE DEFENDANT:             |
| 15 Exhibit 14 ..... 134              | 15 Ms. Kristi McDonald            |
| 16 (Statement, Kay Taylor)           | 16 McDONALD & McDONALD            |
| 17 Exhibit 15 ..... 137              | 17 1005 Montgomery Highway        |
| 18 (Statement, Dana Harris)          | 18 Birmingham, Alabama 35216      |
| 19 Exhibit 16 ..... 139              | 19                                |
| 20 (Statement, Aaron Green)          | 20 Mr. Gary L. Willford           |
| 21 Exhibit 17 ..... 145              | 21 WEBB & ELEY                    |
| 22 (Inmate request form, 12-18)      | 22 7475 Halcyon Pointe Drive      |
| 23                                   | 23 Montgomery, Alabama 36124      |
| 6                                    | 8                                 |
| 1 Exhibit 18 ..... 149               | 1 ALSO PRESENT:                   |
| 2 (Inmate request form, 12-18)       | 2 Mr. Rick Owens                  |
| 3 Exhibit 19 ..... 158               | 3                                 |
| 4 (Inmate request form, 12-03)       | 4                                 |
| 5 Exhibit 20 ..... 168               | 5                                 |
| 6 (Inmate questionnaire)             | 6                                 |
| 7 Exhibit 21 ..... 169               | 7                                 |
| 8 (Booking sheet)                    | 8                                 |
| 9 Exhibit 22 ..... 175               | 9                                 |
| 10 (Inmate request form, 12-27)      | 10                                |
| 11                                   | 11                                |
| 12 FOR THE DEFENDANT: PAGE:          | 12                                |
| 13 Exhibit 1 ..... 235               | 13                                |
| 14 (Day shift tower log, 12-23)      | 14                                |
| 15 Exhibit 2 ..... 236               | 15                                |
| 16 (Day shift tower log, 12-22)      | 16                                |
| 17                                   | 17                                |
| 18                                   | 18                                |
| 19                                   | 19                                |
| 20                                   | 20                                |
| 21                                   | 21                                |
| 22                                   | 22                                |
| 23                                   | 23                                |

2 (Pages 5 to 8)

1310 32nd Street S.  
Birmingham, Alabama 35205

205-250-7765  
danielreporting@aol.com

## Daniel Court Reporting, Inc.

|  |   |
|--|---|
| <p style="text-align: right;">9</p> <p>1 I, Sandra Peebles Daniel, a<br/> 2 Court Reporter of Birmingham,<br/> 3 Alabama, Notary Public, State at<br/> 4 Large, acting as Commissioner,<br/> 5 certify that on this date, as<br/> 6 provided by Rule 30 of the Alabama<br/> 7 Rules of Civil Procedure, and the<br/> 8 foregoing stipulation of counsel,<br/> 9 there came before me at the Coosa<br/> 10 County Courthouse, Courthouse, One<br/> 11 Main Street, Rockford, Alabama<br/> 12 35136, on the 28th day of September,<br/> 13 2007, at or about 8:20 a.m., WENDY<br/> 14 ROBERSON, witness in the above<br/> 15 cause, for oral examination,<br/> 16 whereupon the following proceedings<br/> 17 were had:<br/> 18<br/> 19 THE COURT REPORTER: Usual<br/> 20 stipulations?<br/> 21 MR. STOCKHAM: Yes, ma'am.<br/> 22 MS. MCDONALD: That's fine.<br/> 23</p> | <p style="text-align: right;">11</p> <p>1 MR. WILLFORD: Excuse me.<br/> 2 (Whereupon, an<br/> 3 off-the-record<br/> 4 discussion was held.)<br/> 5 Q. (By Mr. Stockham) Now, in<br/> 6 -- what's your date of birth?<br/> 7 A. April 22, 1963.<br/> 8 Q. That makes you --<br/> 9 MS. MCDONALD: Forty-four.<br/> 10 Q. -- forty-four?<br/> 11 A. That'd be correct.<br/> 12 Q. Let me get your<br/> 13 educational background, please,<br/> 14 ma'am.<br/> 15 A. Well, I started school in<br/> 16 Ft. Pierce, Florida at Indian River<br/> 17 Academy. I then moved to Vero<br/> 18 Beach, Florida where I went through<br/> 19 elementary school at St. Edwards<br/> 20 Academy, and then I went to public<br/> 21 school in Vero Beach, which was<br/> 22 middle -- middle school, junior<br/> 23 high, and a portion of high school</p> |
| <p style="text-align: right;">10</p> <p>1 WENDY ROBERSON,<br/> 2 having first been duly sworn, was<br/> 3 examined and testified as follows:<br/> 4<br/> 5 EXAMINATION BY MR. STOCKHAM:<br/> 6 Q. What's your name, please,<br/> 7 ma'am?<br/> 8 A. Wendy Waites Roberson.<br/> 9 Q. And where do you live?<br/> 10 A. I live at 2200 98th Avenue<br/> 11 in Vero Beach, Florida.<br/> 12 Q. How long have you lived<br/> 13 there?<br/> 14 A. About a year, a little<br/> 15 over a year.<br/> 16 Q. And where did you live<br/> 17 before that?<br/> 18 A. I lived at Route 1, Box<br/> 19 130, Rockford, Alabama.<br/> 20 Q. And how long did you live<br/> 21 there?<br/> 22 A. About twenty-five years.<br/> 23 Q. Now --</p>   | <p style="text-align: right;">12</p> <p>1 at Vero Beach High School.<br/> 2 Q. Where did you graduate<br/> 3 from high school?<br/> 4 A. I graduated on a G.E.D.<br/> 5 Q. Did you have any post-high<br/> 6 school education?<br/> 7 A. I went to Alexander City<br/> 8 Community College for the purpose<br/> 9 of emergency medical technician<br/> 10 basic.<br/> 11 Q. When was that?<br/> 12 A. That was, I believe, in<br/> 13 1996, 1997.<br/> 14 Q. When did you last attend<br/> 15 high school?<br/> 16 A. In 1979.<br/> 17 Q. Now, between -- after you<br/> 18 graduated from high school or got<br/> 19 out of high school -- well, before<br/> 20 I go there.<br/> 21 Have you ever given a<br/> 22 deposition before?<br/> 23 A. No, I have not.</p>  |

3 (Pages 9 to 12)

1310 32nd Street S.  
Birmingham, Alabama 35205

205-250-7765  
danielreporting@aol.com

## Daniel Court Reporting, Inc.

|  |   |
|--|---|
| <p style="text-align: right;">13</p> <p>1 Q. Have you ever given sworn<br/>2 testimony in any legal proceeding?<br/>3 A. Yes, sir.<br/>4 Q. And what occasions have<br/>5 you given sworn testimony?<br/>6 A. In the capacity of my job<br/>7 as working for the Coosa County<br/>8 Sheriff's Department.<br/>9 Q. Was that a regular thing<br/>10 for you?<br/>11 A. I wouldn't say regular,<br/>12 but occasional.<br/>13 Q. Other than -- that was in<br/>14 court in criminal matters?<br/>15 A. Yes, sir, and I also gave<br/>16 sworn testimony during a custody<br/>17 child support matter.<br/>18 Q. Your own custody child<br/>19 support?<br/>20 A. Yes, sir.<br/>21 Q. When was that?<br/>22 A. Oh, gosh. It was probably<br/>23 2002, maybe -- no -- yeah, around</p>       | <p style="text-align: right;">15</p> <p>1 Q. Their names are Jimmy and<br/>2 Ryan?<br/>3 A. Brian, Charles Brian and<br/>4 Jimmy Lee --<br/>5 Q. Jackson?<br/>6 A. -- Jackson.<br/>7 Q. And you married Duane<br/>8 Roberson?<br/>9 A. Yes.<br/>10 Q. When was that?<br/>11 A. In 1999.<br/>12 Q. And are y'all still<br/>13 married?<br/>14 A. No, sir.<br/>15 Q. When did you divorce?<br/>16 A. We divorced in 2002.<br/>17 Q. What name do you go by<br/>18 now?<br/>19 A. Wendy Roberson.<br/>20 Q. Are you married now?<br/>21 A. No, I'm not.<br/>22 Q. Do you have any other<br/>23 children other than Jimmy and</p>   |
| <p style="text-align: right;">14</p> <p>1 -- around 2000 -- no, it was prior<br/>2 to that. It was probably around<br/>3 2000 -- 2000, 2001. It was here in<br/>4 this county.<br/>5 Q. That was arising out of<br/>6 divorce?<br/>7 A. Yes, sir.<br/>8 Q. Who where you married to<br/>9 that you got divorced from?<br/>10 A. At that time I was married<br/>11 to Duane Roberson, but the custody<br/>12 child support matter was with my<br/>13 previous husband, Robert Jackson.<br/>14 Q. All right. Well, when did<br/>15 you divorce Robert Jackson?<br/>16 A. In 1997.<br/>17 Q. And how many children did<br/>18 you have with Robert Jackson?<br/>19 A. Two.<br/>20 Q. And what are their ages<br/>21 today?<br/>22 A. Jimmy is twenty-one and<br/>23 Brian is seventeen.</p> | <p style="text-align: right;">16</p> <p>1 Brian?<br/>2 A. Yes, I have Mark Jackson.<br/>3 He was born from a brief previous<br/>4 marriage to Melvin Padgett, but he<br/>5 was later adopted by Robert<br/>6 Jackson.<br/>7 Q. P-a-d-g-e-t-t?<br/>8 A. Yes.<br/>9 Q. How old is Mark Jackson?<br/>10 A. He is twenty-six.<br/>11 Q. Where does he live?<br/>12 A. He lives here in Coosa<br/>13 County.<br/>14 Q. What does he do?<br/>15 A. He is an industrial<br/>16 electrician.<br/>17 Q. Where does Jimmy Jackson<br/>18 live?<br/>19 A. He lives here in Coosa<br/>20 County.<br/>21 Q. What does he do?<br/>22 A. He is recently out of the<br/>23 military and is unemployed at this</p> |

4 (Pages 13 to 16)

## Daniel Court Reporting, Inc.

|   |  |
|---|--|
| <p style="text-align: right;">17</p> <p>1 time. He's getting ready to go<br/>2 back in.<br/>3 Q. And Brian?<br/>4 A. Brian is a student --<br/>5 full-time student.<br/>6 Q. Where is he a student?<br/>7 A. Vero Beach High School.<br/>8 Q. Do you have any other<br/>9 family here in Alabama?<br/>10 A. No.<br/>11 Q. When did you first move to<br/>12 Coosa County?<br/>13 A. Well, I was eighteen, so I<br/>14 believe 1980, '81.<br/>15 Q. And why did you first move<br/>16 to Coosa County?<br/>17 A. My -- originally my family<br/>18 was from here. My great<br/>19 grandparents lived here. I was<br/>20 raised by my grandparents. They<br/>21 were retiring and decided to come<br/>22 back to Coosa County to help take<br/>23 care of their parents, and I came</p> | <p style="text-align: right;">19</p> <p>1 for several years. My first job<br/>2 was with the Coosa County News as a<br/>3 reporter.<br/>4 Q. When was that?<br/>5 A. Probably 1995. It may have<br/>6 been earlier than that, but I'm not<br/>7 certain.<br/>8 Q. How long were you a<br/>9 reporter with the Coosa County<br/>10 News?<br/>11 A. Off and on, probably about<br/>12 five years.<br/>13 Q. What was your next job?<br/>14 A. Coosa County Sheriff's<br/>15 Department.<br/>16 Q. When did you start with<br/>17 the Coosa County Sheriff's<br/>18 Department?<br/>19 A. I'd have to look at the<br/>20 employment records. I worked for<br/>21 the sheriff's department actually<br/>22 on three separate occasions, and<br/>23 actually was back and forth between</p>   |
| <p style="text-align: right;">18</p> <p>1 with them.<br/>2 Q. And what is their name?<br/>3 A. Brian Waites, who is<br/>4 deceased, and Ruth Waites.<br/>5 Q. How do you spell Waites?<br/>6 A. W-a-i-t-e-s.<br/>7 Q. Are there any other Waites<br/>8 here in Coosa County that you are<br/>9 related to?<br/>10 A. Distantly, I think there's<br/>11 a Johnny Waites here, but it's --<br/>12 it's not a close relation, it's on<br/>13 down the line.<br/>14 Q. Tell me what your<br/>15 employment history is, please,<br/>16 ma'am.<br/>17 A. Well, prior to moving here<br/>18 as a teenager I had various jobs.<br/>19 Q. Let me go at this another<br/>20 way.<br/>21 What was your job after<br/>22 you first came to Coosa County?<br/>23 A. I was a stay-at-home mom</p>   | <p style="text-align: right;">20</p> <p>1 the sheriff's department and the<br/>2 newspaper office based on hours.<br/>3 When my schedule at the sheriff's<br/>4 department, because I was a mother,<br/>5 got changed around to where I could<br/>6 not work those hours, then I would<br/>7 go back to work for the newspaper.<br/>8 And then kind of back and forth<br/>9 like that.<br/>10 Q. When did you first work<br/>11 for the sheriff's department?<br/>12 A. Probably 1995, 1996.<br/>13 Q. And how long did you work<br/>14 that first time?<br/>15 A. Probably a year and a<br/>16 half.<br/>17 Q. When was the second time<br/>18 you worked for the sheriff's<br/>19 department?<br/>20 A. I can't say; I'm not sure.<br/>21 I really can't remember because<br/>22 they -- that period of time in<br/>23 there between the newspaper and the</p> |

5 (Pages 17 to 20)

## Daniel Court Reporting, Inc.

|   |  |
|---|--|
| <p style="text-align: right;">21</p> <p>1 sheriff's department, I can't say<br/> 2 specifically I took a -- I went to<br/> 3 work with the newspaper, went to<br/> 4 work with the sheriff's department.<br/> 5 They were going to put me on second<br/> 6 shift, so I went back to work for<br/> 7 the newspaper, and then I went back<br/> 8 to work for the sheriff's<br/> 9 department, but I don't know -- all<br/> 10 I can say is it was somewhere<br/> 11 between 1995 and 1999 that that<br/> 12 happened. And in 1999 I opened my<br/> 13 own newspaper, the Coosa Weekly,<br/> 14 operated that for one year and then<br/> 15 came back to work for the sheriff's<br/> 16 department in 2000 where I remained<br/> 17 until 2006.<br/> 18 Q. Now, who was the sheriff<br/> 19 the first time you worked for the<br/> 20 sheriff's department?<br/> 21 A. Sheriff Bill Evans.<br/> 22 Q. Who was the sheriff the<br/> 23 second time you worked for the</p> | <p style="text-align: right;">23</p> <p>1 deputy?<br/> 2 A. It was during my second<br/> 3 term of employment with the<br/> 4 sheriff's department that Sheriff<br/> 5 Bill Evans made me a reserve<br/> 6 officer.<br/> 7 Q. And as a reserve deputy<br/> 8 did you not work in the jail at<br/> 9 that time?<br/> 10 A. No, I worked in the jail<br/> 11 when I became a reserve officer,<br/> 12 but when I left the jail as a<br/> 13 corrections officer I remained a<br/> 14 reserve officer.<br/> 15 Q. What's the -- I'm not<br/> 16 following.<br/> 17 A. A reserve officer is not<br/> 18 paid, and they are sworn but<br/> 19 they're not paid. And they act on<br/> 20 the orders of the sheriff on<br/> 21 special details or volunteering any<br/> 22 time that they want to devote to<br/> 23 the sheriff's department in the</p>   |
| <p style="text-align: right;">22</p> <p>1 sheriff's department?<br/> 2 A. Bill Evans.<br/> 3 Q. And who was the sheriff<br/> 4 the third time you worked?<br/> 5 A. Rick Owens.<br/> 6 Q. Owens was the Sheriff --<br/> 7 A. Well, sheriff and -- Evans<br/> 8 -- it traded places during my<br/> 9 third --<br/> 10 Q. Now, what were your job<br/> 11 duties the first time you worked<br/> 12 for the sheriff's department?<br/> 13 A. Corrections officer.<br/> 14 Q. What do you mean by<br/> 15 corrections officer?<br/> 16 A. I worked in the jail as a<br/> 17 jailer and a dispatcher.<br/> 18 Q. Have you ever held a<br/> 19 position in the sheriff's<br/> 20 department at any other capacity<br/> 21 other than corrections officer?<br/> 22 A. Reserve deputy.<br/> 23 Q. When were you a reserve</p>   | <p style="text-align: right;">24</p> <p>1 capacity of a reserve deputy. And<br/> 2 they have all of the same powers of<br/> 3 a deputy other than arrest powers<br/> 4 under the supervision of a sworn<br/> 5 deputy -- certified, post-certified<br/> 6 deputy.<br/> 7 Q. Now, when you returned in<br/> 8 2000 to work in the jail, what was<br/> 9 the structure in the jail, what<br/> 10 position did you hold?<br/> 11 A. Well, they didn't start<br/> 12 with a rank system immediately when<br/> 13 I came back the third time.<br/> 14 However, I came back the third time<br/> 15 because they were getting ready to<br/> 16 automate the sheriff's department.<br/> 17 In other words, it was fixing to go<br/> 18 completely computerized.<br/> 19 And Sheriff Bill Evans had<br/> 20 asked me to come to work for him to<br/> 21 oversee that, that change and<br/> 22 handle the training on the new<br/> 23 system, which I did. And after</p> |

6 (Pages 21 to 24)

## Daniel Court Reporting, Inc.

|  |  |
|--|--|
| <p style="text-align: right;">25</p> <p>1 they created a rank structure</p> <p>2 Deputy Terry Wilson was --</p> <p>3 Q. Before we go to that -- I</p> <p>4 want to come to that next, but --</p> <p>5 so when you first returned on your</p> <p>6 third occasion, who was your</p> <p>7 immediate supervisor?</p> <p>8 A. Sheriff Evans.</p> <p>9 Q. Did you have anyone who</p> <p>10 reported to you at that time?</p> <p>11 A. Only in the capacity that</p> <p>12 -- of training in the sense that I</p> <p>13 was trained specifically by the</p> <p>14 software company to run the new</p> <p>15 program and I therefore had to,</p> <p>16 with the assistance of the software</p> <p>17 provider, handle the training of</p> <p>18 the other officers on it.</p> <p>19 So therefore, any officers</p> <p>20 in the jail would come to me for</p> <p>21 direction in the capacity of</p> <p>22 learning the new system.</p> <p>23 Q. But as far as you being</p> | <p style="text-align: right;">27</p> <p>1 how many on any one shift.</p> <p>2 Q. Okay.</p> <p>3 A. Necessity requires two per</p> <p>4 shift.</p> <p>5 Q. And has -- was that always</p> <p>6 the case during your tenure from</p> <p>7 when you returned in 2000 until you</p> <p>8 left in 2006?</p> <p>9 A. Yes, sir.</p> <p>10 Q. I'll follow up that in a</p> <p>11 minute. But let me ask you, why</p> <p>12 did you leave in 2006?</p> <p>13 A. There was a -- there were</p> <p>14 a lot of things going on in my life</p> <p>15 at the time. I was still trying to</p> <p>16 recover from my last divorce. All</p> <p>17 of my family had moved from the</p> <p>18 area. There was only myself and my</p> <p>19 youngest son, and it was time for a</p> <p>20 change. We were -- and there were</p> <p>21 -- it was just time for a change.</p> <p>22 Q. No particular incident</p> <p>23 occurred that caused you to leave</p> |
| <p style="text-align: right;">26</p> <p>1 someone's supervisor --</p> <p>2 A. Not at that time, no, sir.</p> <p>3 Q. And you didn't have anyone</p> <p>4 over you other than the sheriff?</p> <p>5 A. Not at that time, not</p> <p>6 initially, no, sir.</p> <p>7 Q. At that time how many</p> <p>8 people were employed in the jail as</p> <p>9 jailers?</p> <p>10 A. I believe possibly twelve,</p> <p>11 ten or twelve.</p> <p>12 MS. MCDONALD: If you know</p> <p>13 -- if you don't know --</p> <p>14 A. I don't -- I'm not</p> <p>15 certain.</p> <p>16 Q. Well, I'm just trying to</p> <p>17 get a ballpark right now.</p> <p>18 A. Around ten or twelve. It</p> <p>19 requires, bare minimum, ten or</p> <p>20 twelve officers for a rotation.</p> <p>21 Q. And that contemplates how</p> <p>22 many on any one shift?</p> <p>23 A. The budget contemplates</p>  | <p style="text-align: right;">28</p> <p>1 your employment?</p> <p>2 A. There were -- there were</p> <p>3 some pay issues. I felt that I</p> <p>4 should be getting a certain level</p> <p>5 of pay that I was not getting. And</p> <p>6 -- but it was not the determining</p> <p>7 factor. It was just one more</p> <p>8 reason for me to go ahead and make</p> <p>9 a change in my life at that time.</p> <p>10 Q. Other than the pay issues</p> <p>11 there was nothing else that</p> <p>12 occurred that caused you leave your</p> <p>13 job at that time?</p> <p>14 A. No, sir.</p> <p>15 Q. And did you turn in a</p> <p>16 resignation?</p> <p>17 A. I did.</p> <p>18 Q. And who did you turn it in</p> <p>19 to?</p> <p>20 A. Sheriff Owens.</p> <p>21 Q. Did you try to work out</p> <p>22 any pay increase before you did</p> <p>23 that?</p>   |

7 (Pages 25 to 28)

## Daniel Court Reporting, Inc.

|   |   |
|---|---|
| <p style="text-align: right;">29</p> <p>1 A. I did.</p> <p>2 Q. Now, who is paying for</p> <p>3 your defense in this case?</p> <p>4 A. To be honest with you, I</p> <p>5 don't know.</p> <p>6 Q. Now, are you taking any</p> <p>7 medications today?</p> <p>8 A. No, sir.</p> <p>9 Q. Have you ever been sued</p> <p>10 before?</p> <p>11 A. No, sir.</p> <p>12 Q. Except for maybe in a</p> <p>13 divorce situation?</p> <p>14 A. I've -- I've never been</p> <p>15 sued in a divorce.</p> <p>16 Q. You always brought the</p> <p>17 suit?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Now, returning to the</p> <p>20 situation in the Coosa County jail.</p> <p>21 At some point were you</p> <p>22 made supervisor over other</p> <p>23 personnel in the jail?</p>  | <p style="text-align: right;">31</p> <p>1 A. I had corporals. I had a</p> <p>2 corporal on each shift and then</p> <p>3 eventually they gave me a straight</p> <p>4 daytime corporal to assist me.</p> <p>5 Q. Now, as -- in addition to</p> <p>6 being called sergeant, did you have</p> <p>7 any other title, like,</p> <p>8 administrator or anything like</p> <p>9 that?</p> <p>10 A. No, sir.</p> <p>11 Q. Okay.</p> <p>12 A. Not -- let me -- let me</p> <p>13 clarify that. Not until 2006,</p> <p>14 right before I -- I resigned.</p> <p>15 Q. Now, what were your duties</p> <p>16 in your position as sergeant, and</p> <p>17 let me take you to the time frame</p> <p>18 of 1993, 1994?</p> <p>19 A. I was not in that position</p> <p>20 at that time.</p> <p>21 Q. Oh, excuse me. 2003,</p> <p>22 2004.</p> <p>23 A. 2003, 2004, my duties as</p>   |
| <p style="text-align: right;">30</p> <p>1 A. Yes, sir. When the</p> <p>2 sheriff adopted a rank system for</p> <p>3 corrections officers I was made</p> <p>4 sergeant over the jail, or within</p> <p>5 the jail. And my direct supervisor</p> <p>6 then became Deputy Terry Wilson who</p> <p>7 was named lieutenant.</p> <p>8 Q. Now, who was the sheriff</p> <p>9 that set up the rank system?</p> <p>10 A. I can't remember if it was</p> <p>11 Sheriff Evans or Sheriff Owens. It</p> <p>12 was either at the end of Sheriff</p> <p>13 Evans' term or at the beginning of</p> <p>14 Sheriff Owens' term, I'm not sure.</p> <p>15 Q. What were your duties --</p> <p>16 so you reported directly to -- to</p> <p>17 whom at that point?</p> <p>18 A. Lieutenant Wilson.</p> <p>19 Q. Did you have any direct</p> <p>20 report to the sheriff at that time?</p> <p>21 A. No, sir.</p> <p>22 Q. And did you have anyone</p> <p>23 who assisted you?</p> | <p style="text-align: right;">32</p> <p>1 Sergeant included the proper</p> <p>2 operations of the jail on a</p> <p>3 day-to-day basis, working directly</p> <p>4 with the other officers overseeing</p> <p>5 their training, their job</p> <p>6 performance, somewhat overseeing</p> <p>7 within my scope of ability the</p> <p>8 medical care or records of inmates,</p> <p>9 the legal issues of inmates in</p> <p>10 court, meal preparation, ordering</p> <p>11 of supplies, and operating the</p> <p>12 canteen of the jail.</p> <p>13 Q. And where was your office</p> <p>14 in 2003, 2004?</p> <p>15 A. Well, I can't say the</p> <p>16 exact dates. At one point I had an</p> <p>17 office in the second secured area</p> <p>18 of the jail, which later became the</p> <p>19 storage for the canteen, at which</p> <p>20 time I moved to the front offices,</p> <p>21 the administrative offices, for a</p> <p>22 short period of time, and then</p> <p>23 moved into the first secured area</p> |

8 (Pages 29 to 32)

## Daniel Court Reporting, Inc.

|   |  |
|---|--|
| <p style="text-align: right;">33</p> <p>1 of the jail, an office there that<br/>2 used to be an exercise room.<br/>3 Q. Was that what's called,<br/>4 the booking room?<br/>5 A. No, sir.<br/>6 Q. Where is it in relation to<br/>7 the booking room?<br/>8 A. It would have been just<br/>9 down the hall from the booking<br/>10 area.<br/>11 Q. If I'm coming in and the<br/>12 booking area is on my right, it'd<br/>13 be on the same side further down<br/>14 the hall?<br/>15 A. Yes, sir.<br/>16 Q. Now, when -- and you don't<br/>17 know when you were in those various<br/>18 locations?<br/>19 A. I could not tell you the<br/>20 exact dates, no, sir.<br/>21 Q. I gather from what you've<br/>22 testified that your -- your duties<br/>23 required you to be all over the</p>  | <p style="text-align: right;">35</p> <p>1 -- if I had an officer call in that<br/>2 they could not report for duty, the<br/>3 basic protocol was that all the<br/>4 other off duty officers would be<br/>5 given the opportunity to take that<br/>6 overtime if they wanted it. If<br/>7 nobody could be found to work then<br/>8 it was my responsibility to fill<br/>9 that slot.<br/>10 Q. Other than an officer who<br/>11 was out sick, were there any other<br/>12 occasions where you would fill in?<br/>13 A. Only -- only during times<br/>14 when an officer needed a break<br/>15 during busy times. But other than<br/>16 that each shift had two officers<br/>17 that rotated from the tower to the<br/>18 dispatch or booking area, and other<br/>19 than that, no, sir.<br/>20 Q. You said one of your<br/>21 duties was the medical area for the<br/>22 inmates. What did that involve?<br/>23 A. Well, we implemented</p> |
| <p style="text-align: right;">34</p> <p>1 jail?<br/>2 A. Yes, sir. And I -- I had<br/>3 other duties as well. In a small<br/>4 county you wear many hats, and<br/>5 especially in a small department.<br/>6 So everybody generally had more<br/>7 than one responsibility or one<br/>8 capacity in which they worked, so I<br/>9 assisted with investigations<br/>10 involving women, children, and as a<br/>11 reserve deputy I also served in<br/>12 capacities where we were -- needed<br/>13 extra hands as far as deputies were<br/>14 concerned.<br/>15 Q. In the jail did you ever<br/>16 work in the tower, for example?<br/>17 A. I did.<br/>18 Q. Did you ever work in the<br/>19 dispatch?<br/>20 A. Yes, sir.<br/>21 Q. Did you -- and would you<br/>22 do those on a regular basis?<br/>23 A. I did them as needed. If</p> | <p style="text-align: right;">36</p> <p>1 several different procedures for<br/>2 medical over the years, all of<br/>3 which met the state requirements<br/>4 and, of course, when they initiated<br/>5 the HIPAA law things changed there<br/>6 for us.<br/>7 We also tried to<br/>8 incorporate different<br/>9 pharmaceutical companies in trying<br/>10 to control our costs. And, of<br/>11 course, each pharmaceutical company<br/>12 had their own requirements or<br/>13 demands as to what we had to do on<br/>14 our part to initiate a smooth<br/>15 system with them. But as far as my<br/>16 responsibility over that I was the<br/>17 go-to person between the<br/>18 pharmaceutical company and the<br/>19 sheriff's department as far as how<br/>20 medications would be ordered, when<br/>21 they would be ordered, and the<br/>22 process for doing that.<br/>23 Also, if an inmate had a</p>                             |

9 (Pages 33 to 36)

## Daniel Court Reporting, Inc.

|   |  |
|---|--|
| <p style="text-align: right;">37</p> <p>1 medical problem that the corporals<br/>2 were having difficulty contacting<br/>3 doctors or getting information<br/>4 because of the HIPAA laws, then it<br/>5 would become my project to try to<br/>6 get those issues resolved.<br/>7 Q. Let's focus on the time<br/>8 frame of 2003, 2004; what were your<br/>9 duties with regard to the medical?<br/>10 A. It would have been the<br/>11 same throughout the entire --<br/>12 Q. Were you responsible for<br/>13 making arrangements with doctors to<br/>14 come in and see inmates?<br/>15 A. Corporals usually handled<br/>16 that on their shift. Each corporal<br/>17 was responsible for the operation<br/>18 of their shift. Basically what I<br/>19 did was I insured that those shifts<br/>20 were properly run according to<br/>21 policy and procedure. If there was<br/>22 some difficulty or some unexpected<br/>23 incident that we had not</p> | <p style="text-align: right;">39</p> <p>1 A. Yes, sir.<br/>2 Q. Was this done on a daily<br/>3 basis?<br/>4 A. Yes, sir.<br/>5 Q. And was the jail<br/>6 administrator in the jail or did<br/>7 you -- was he not in the jail?<br/>8 A. He was on the road, he was<br/>9 a road deputy. But he was also in<br/>10 the jail intermittently, so we<br/>11 would try to meet in the mornings<br/>12 at the beginning of his shift.<br/>13 However if the call of duty was<br/>14 such that he was not available to<br/>15 me, then I did have the ability to<br/>16 contact him by phone, in an<br/>17 emergency by radio. But there was<br/>18 at no time -- well, very few times<br/>19 that I was unable to make contact<br/>20 with the lieutenant.<br/>21 Q. How about the sheriff,<br/>22 would you communicate with the<br/>23 sheriff about matters of daily</p>  |
| <p style="text-align: right;">38</p> <p>1 encountered before, then the<br/>2 corporal would come to me and say,<br/>3 I'm having difficulty with this or<br/>4 I've been trying to get in touch<br/>5 with this doctor, or so forth and<br/>6 so on, which at that point I would<br/>7 assist them in resolving the<br/>8 situation.<br/>9 Q. Now, what duties did you<br/>10 have with regard to advising or<br/>11 communicating with the jail<br/>12 administrator?<br/>13 A. It was my responsibility<br/>14 to report to the jail administrator<br/>15 of the status of the day-to-day<br/>16 operations of the jail and of any<br/>17 situations or problems that we may<br/>18 be encountering in the jail.<br/>19 Q. And how would you do that?<br/>20 A. I would either do it by<br/>21 written memo or I would do it in<br/>22 person.<br/>23 Q. A face-to-face meeting?</p>  | <p style="text-align: right;">40</p> <p>1 goings-on in the jail?<br/>2 A. Not unless I was asked.<br/>3 My direct rank supervisor was the<br/>4 lieutenant and that is who I<br/>5 reported to, and it would not be --<br/>6 it would be out of -- out of order<br/>7 for me to bypass my direct<br/>8 supervisor and go directly to the<br/>9 sheriff unless asked. If the<br/>10 sheriff directly asked me about an<br/>11 issue then most certainly I would<br/>12 report to him about it.<br/>13 Q. Did you ever have an<br/>14 instance where the lieutenant would<br/>15 tell you to go to the sheriff about<br/>16 anything?<br/>17 A. No, sir, not unless it was<br/>18 a situation where we had to get<br/>19 approval for something that the<br/>20 lieutenant was not in a capacity<br/>21 where he could have that meeting<br/>22 with the sheriff. If he was out --<br/>23 if the lieutenant was out in the</p> |

10 (Pages 37 to 40)

## Daniel Court Reporting, Inc.

|  |  |
|--|--|
| <p style="text-align: right;">41</p> <p>1 field and I was at the jail and we<br/> 2 had an issue that had to be<br/> 3 resolved immediately, then I would<br/> 4 be directed to go to the sheriff<br/> 5 and tell him what we need.<br/> 6 Q. Now, do you have any<br/> 7 records of your activities in the<br/> 8 jail that occurred on a day-to-day<br/> 9 basis from the time frame of 2003,<br/> 10 2004?<br/> 11 A. I do not now. During the<br/> 12 time that I was employed with the<br/> 13 sheriff's department I did. I kept<br/> 14 a log on my computer as well as we<br/> 15 had day-to-day shift logs.<br/> 16 Q. Now, I have been given the<br/> 17 shift logs and the tower reports.<br/> 18 You're saying you had a log on your<br/> 19 computer as well?<br/> 20 A. I did.<br/> 21 Q. Do you know where that is?<br/> 22 A. I do not.<br/> 23 Q. Was this something that</p>   | <p style="text-align: right;">43</p> <p>1 was --<br/> 2 MS. MCDONALD: If you<br/> 3 know. If you don't --<br/> 4 A. I don't know.<br/> 5 Q. Well, if you were going to<br/> 6 go ask for it, what would you ask<br/> 7 for?<br/> 8 A. I would ask if they had<br/> 9 cleaned my computer, first of all,<br/> 10 because when I left I'm sure<br/> 11 somebody else started using that<br/> 12 computer and I doubt they kept my<br/> 13 stuff on it.<br/> 14 Q. You left in --<br/> 15 A. 2006.<br/> 16 Q. -- 2006. And that would<br/> 17 have been after this lawsuit had<br/> 18 been initiated?<br/> 19 A. Yes, sir.<br/> 20 Q. Did you tell anyone that<br/> 21 you had notes from the time frame<br/> 22 of this lawsuit on your computer?<br/> 23 A. No, sir, because they were</p> |
| <p style="text-align: right;">42</p> <p>1 was maintained on your official<br/> 2 computer?<br/> 3 A. On my -- the computer in<br/> 4 my office. We are taught in<br/> 5 corrections as well as law<br/> 6 enforcement that you document<br/> 7 everything. So in the capacity of<br/> 8 my day-to-day supervision of the<br/> 9 operations of the jail, anything<br/> 10 that I thought was significant I<br/> 11 would notate in my log. And it was<br/> 12 a personal log, it was not<br/> 13 something that I was required to do<br/> 14 or that I was required to turn in.<br/> 15 It was for my own protection, for<br/> 16 my own recollection, and basically<br/> 17 just to be as a reminder to myself<br/> 18 of the details of any incident that<br/> 19 was out of the ordinary.<br/> 20 Q. If I were to request that,<br/> 21 what would I ask for?<br/> 22 A. I guess you would ask for<br/> 23 a file off of the computer that</p> | <p style="text-align: right;">44</p> <p>1 not official records. They were<br/> 2 just my personal notes.<br/> 3 Q. And do you know where the<br/> 4 computer is that you used?<br/> 5 A. I have no idea.<br/> 6 Q. How would you identify<br/> 7 that computer?<br/> 8 A. It was just a Dell<br/> 9 computer.<br/> 10 Q. Who would know that is<br/> 11 currently in the jail?<br/> 12 A. I don't know.<br/> 13 Q. Did the -- where was it<br/> 14 housed the last time you saw it?<br/> 15 A. In my office.<br/> 16 Q. Where was your office the<br/> 17 last time --<br/> 18 A. My office was located one<br/> 19 door down from the booking area.<br/> 20 MR. STOCKHAM: Would y'all<br/> 21 look and see if there's anything<br/> 22 like that?<br/> 23 MS. MCDONALD: My</p>            |

11 (Pages 41 to 44)

## Daniel Court Reporting, Inc.

|  |  |
|--|--|
| <p style="text-align: right;">45</p> <p>1 understanding is after our<br/>2 deposition was completed the other<br/>3 day that they have changed<br/>4 computers about three times in the<br/>5 last years. I'll be more than<br/>6 happy to ask.<br/>7 MR. STOCKHAM: This would<br/>8 be just last year.<br/>9 MS. MCDONALD: It's my<br/>10 understanding, though, that they've<br/>11 changed computers again recently.<br/>12 I'll ask, though.<br/>13 MR. STOCKHAM: Okay.<br/>14 MS. MCDONALD: I'll be<br/>15 happy to ask.<br/>16 Q. (By Mr. Stockham) Now,<br/>17 other than notes that were on your<br/>18 computer, did you have any other<br/>19 notes?<br/>20 A. No, sir, just the basic<br/>21 log, shift log. Anything that was<br/>22 of important -- importance that I<br/>23 felt needed to be reflected in the</p> | <p style="text-align: right;">47</p> <p>1 office and a computer in the tower.<br/>2 Q. Were they linked?<br/>3 A. They were all networked.<br/>4 Q. So a file from one could<br/>5 be sent to another without --<br/>6 A. No, sir, not in that<br/>7 capacity. They were networked in<br/>8 the sense that they were all on the<br/>9 same software program. However,<br/>10 the logs were kept on a separate<br/>11 word document program that was<br/>12 specifically to that computer. It<br/>13 was -- the word program was not<br/>14 networked.<br/>15 Q. So you didn't have any<br/>16 internal email --<br/>17 A. No, sir.<br/>18 Q. -- where you could send<br/>19 one to the other?<br/>20 A. We had email and we had --<br/>21 we had internet service. So it<br/>22 would be possible to instant<br/>23 message somebody on a Yahoo</p>                            |
| <p style="text-align: right;">46</p> <p>1 shift log, I would either<br/>2 incorporate into the shift log<br/>3 myself or direct the corporal to<br/>4 add it to his shift log.<br/>5 Q. Now, when you say you<br/>6 would add it to your -- you would<br/>7 just go over and type it in?<br/>8 A. Yes, sir.<br/>9 Q. And that was -- the shift<br/>10 log was something that was kept up<br/>11 on a computer?<br/>12 A. Yes, sir.<br/>13 Q. And it was dated and --<br/>14 A. Time --<br/>15 Q. -- maintained in that<br/>16 computer?<br/>17 A. Yes, sir.<br/>18 Q. And it was kept in that<br/>19 computer for --<br/>20 A. Well, let's distinguish<br/>21 "that computer" because there were<br/>22 three computers in the booking area<br/>23 in addition to the computer in my</p>   | <p style="text-align: right;">48</p> <p>1 messenger or something like that if<br/>2 that was downloaded on the -- that<br/>3 particular computer. But there was<br/>4 no in-house massaging system.<br/>5 Q. So whatever was on the<br/>6 particular computer that had the --<br/>7 that was used for the shift report,<br/>8 it was independent and different<br/>9 from the computer that had the<br/>10 tower report?<br/>11 A. Correct.<br/>12 Q. Then was it always the<br/>13 same computer that was used for the<br/>14 shift report?<br/>15 A. Not necessarily. If --<br/>16 you know, if the computer -- we had<br/>17 situations where a computer would<br/>18 not be working properly and they<br/>19 would have to do their shift report<br/>20 on a different computer. But in<br/>21 most cases, yes.<br/>22 Q. Did you keep a backup --<br/>23 A. Yes, sir.</p> |

12 (Pages 45 to 48)

## Daniel Court Reporting, Inc.

|  |   |
|--|---|
| <p style="text-align: right;">49</p> <p>1 Q. -- computer backup?</p> <p>2 A. Yes, sir.</p> <p>3 Q. And the shift reports</p> <p>4 would be kept on the computer</p> <p>5 backup?</p> <p>6 A. Yes, sir, and on a</p> <p>7 separate disc.</p> <p>8 Q. How do you mean, on a</p> <p>9 separate disc?</p> <p>10 A. Backed up onto a disc, a</p> <p>11 hard copy disc that was kept and</p> <p>12 dated as well as on the hard drive.</p> <p>13 Q. Okay. So it was like,</p> <p>14 when you say a hard copy disc, like</p> <p>15 a CD or --</p> <p>16 A. Just a disc, a floppy.</p> <p>17 Q. Oh, a floppy disc?</p> <p>18 A. Yes, sir.</p> <p>19 Q. And where was that floppy</p> <p>20 kept?</p> <p>21 A. They were kept in a floppy</p> <p>22 container box in the booking area</p> <p>23 near the medical.</p>   | <p style="text-align: right;">51</p> <p>1 Q. Now, if you were in your</p> <p>2 office, would you go around and add</p> <p>3 something to the shift log or would</p> <p>4 you just -- only do it if you were</p> <p>5 in the booking area?</p> <p>6 A. No. If -- if it was a</p> <p>7 situation where the officer in the</p> <p>8 booking area was in the back of the</p> <p>9 jail I would go and add it myself,</p> <p>10 or if the officer was busy doing</p> <p>11 dispatch I would add it myself.</p> <p>12 But in most cases I would simply</p> <p>13 pick up the phone and call the</p> <p>14 officer at the front and ask them</p> <p>15 and dictate to them what I wanted</p> <p>16 written in the log, and they would</p> <p>17 add it.</p> <p>18 Q. Now, apart from yourself,</p> <p>19 who else had access to the entering</p> <p>20 in the -- yourself and the officer</p> <p>21 on duty, who else had access to</p> <p>22 entering into the shift log?</p> <p>23 A. Any corrections officer on</p> |
| <p style="text-align: right;">50</p> <p>1 Q. And were they still there</p> <p>2 when you left in 2006?</p> <p>3 A. They were.</p> <p>4 Q. And when was it you left</p> <p>5 in 2006?</p> <p>6 A. I think it was March or</p> <p>7 April.</p> <p>8 Q. Now, you said that you</p> <p>9 would on occasion add things that</p> <p>10 you thought were significant to the</p> <p>11 shift report. Did you ever add</p> <p>12 things that you thought were</p> <p>13 significant to the tower log?</p> <p>14 A. Not unless I was up there</p> <p>15 and the incident occurred within my</p> <p>16 view, then, you know, naturally I</p> <p>17 would document that, but I would</p> <p>18 not specifically go up to the tower</p> <p>19 to add something. Most of what I</p> <p>20 would add would be downstairs where</p> <p>21 it was accessible to me without</p> <p>22 having to go through two secured</p> <p>23 doors and to the tower.</p> | <p style="text-align: right;">52</p> <p>1 shift, and that would be the</p> <p>2 entirety of it. There was no</p> <p>3 reason for a deputy to enter</p> <p>4 anything or anyone else, and they</p> <p>5 -- they certainly -- it was not</p> <p>6 part of their job to have to do</p> <p>7 that. So, just the corrections</p> <p>8 officers and myself.</p> <p>9 Q. Well, how about Mr.</p> <p>10 Wilson?</p> <p>11 A. It would be possible that</p> <p>12 he could add something but not</p> <p>13 probable.</p> <p>14 Q. How about the sheriff?</p> <p>15 A. Well, certainly, there</p> <p>16 again, it would be possible but not</p> <p>17 probable.</p> <p>18 Q. Are you aware of either</p> <p>19 one of them entering anything into</p> <p>20 the shift report?</p> <p>21 A. Not to my knowledge.</p> <p>22 Q. Now, did you do intake</p> <p>23 when officers -- when new inmates</p>   |

13 (Pages 49 to 52)

## Daniel Court Reporting, Inc.

|  |   |
|--|---|
| <p style="text-align: right;">53</p> <p>1 would come into the jail?</p> <p>2 A. Certainly, I assisted with</p> <p>3 that in cases where we were busy.</p> <p>4 Q. And when you did that,</p> <p>5 tell me what was involved.</p> <p>6 A. Well, a lot of things were</p> <p>7 involved. The officer would ask</p> <p>8 personal information, such as</p> <p>9 Social Security number, driver's</p> <p>10 license number, birth date. They</p> <p>11 would collect information</p> <p>12 concerning the height, weight,</p> <p>13 gender, who to contact in an</p> <p>14 emergency. And then there was a</p> <p>15 medical portion that asked various</p> <p>16 medical questions, one of which is,</p> <p>17 is there any other medical</p> <p>18 condition that you have that I</p> <p>19 should know about.</p> <p>20 Q. Let me show you what I've</p> <p>21 been produced as part of the jail</p> <p>22 file in this case. But before that</p> <p>23 let me ask you.</p> | <p style="text-align: right;">55</p> <p>1 back in the booking area, is it</p> <p>2 kept in front in the administrative</p> <p>3 area where the --</p> <p>4 A. It's kept in the booking</p> <p>5 area.</p> <p>6 Q. In the booking area?</p> <p>7 A. Uh-huh.</p> <p>8 Q. And so that would be</p> <p>9 something that the jailer on the</p> <p>10 shift would have access to?</p> <p>11 A. Certainly.</p> <p>12 Q. And is that something that</p> <p>13 you would refer to on a daily basis</p> <p>14 while inmates were actively housed</p> <p>15 in the jail?</p> <p>16 A. Not always on a daily</p> <p>17 basis unless we were adding</p> <p>18 something to that file. The file</p> <p>19 is pulled -- if they've been in</p> <p>20 jail before the file is pulled from</p> <p>21 the master files and put in an</p> <p>22 active inmate location for the</p> <p>23 duration of their stay in the jail.</p> |
| <p style="text-align: right;">54</p> <p>1 Is there a jail file kept</p> <p>2 on every inmate?</p> <p>3 A. Yes, sir.</p> <p>4 Q. What goes in that?</p> <p>5 A. Well, everything from</p> <p>6 their booking information to their</p> <p>7 canteen orders to any medical</p> <p>8 receipts or information, legal</p> <p>9 documentation from court</p> <p>10 appearances.</p> <p>11 Q. And who keeps that?</p> <p>12 A. It's kept in a file of</p> <p>13 active inmates and once that inmate</p> <p>14 is released, then it is put in a --</p> <p>15 in another filing system, but it's</p> <p>16 always kept on hand in house.</p> <p>17 Q. And whose custody in the</p> <p>18 jail is particularly responsible</p> <p>19 for keeping up with the inmate</p> <p>20 file?</p> <p>21 A. I don't understand the</p> <p>22 question.</p> <p>23 Q. Well, I mean, is that kept</p>   | <p style="text-align: right;">56</p> <p>1 But as far as referring to that</p> <p>2 file on a daily basis, unless there</p> <p>3 is a reason to refer to that file,</p> <p>4 then -- not daily.</p> <p>5 Q. Were the jailers required</p> <p>6 to review the inmate files of the</p> <p>7 active inmates?</p> <p>8 A. They weren't required to</p> <p>9 unless they were looking for</p> <p>10 something specific; then I guess it</p> <p>11 would have to -- you would have to</p> <p>12 be more specific as to what in, you</p> <p>13 know -- specifically that you're</p> <p>14 inquiring about --</p> <p>15 Q. Sure.</p> <p>16 A. -- as far as a need to</p> <p>17 look.</p> <p>18 Q. For example, there was a</p> <p>19 medical screening form that you</p> <p>20 took -- someone took when someone</p> <p>21 came into the jail?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Were all of the jailers,</p>          |

14 (Pages 53 to 56)

## Daniel Court Reporting, Inc.

|   |   |
|---|---|
| <p style="text-align: right;">57</p> <p>1 including yourself, required to<br/> 2 look at that to see what the<br/> 3 medical conditions were of the<br/> 4 inmates that came into the jail?<br/> 5 A. No, sir, it would not be<br/> 6 necessary because those same<br/> 7 medical questions would be asked<br/> 8 again at booking. And certainly a<br/> 9 person's medical condition changes<br/> 10 from stay to stay.<br/> 11 Now if there was a reason<br/> 12 for the officer to look back at a<br/> 13 former medical record, then they<br/> 14 certainly would. But the reason<br/> 15 that medical form exists is to<br/> 16 update that medical information<br/> 17 upon the -- the inmate's current<br/> 18 incarceration.<br/> 19 Q. That's what I was asking,<br/> 20 is, when someone comes in and is<br/> 21 booked in the jail and you get the<br/> 22 medical information, are all the<br/> 23 jail staff required to know what</p> | <p style="text-align: right;">59</p> <p>1 identification.)<br/> 2 Q. I'm going to show you what<br/> 3 I've marked as Exhibit One, a<br/> 4 two-page Exhibit. And it indicates<br/> 5 at the top that it's a medical<br/> 6 screening form.<br/> 7 A. Correct.<br/> 8 Q. Is that originally a<br/> 9 computerized document?<br/> 10 A. Yes, sir. It prints out<br/> 11 with the initial booking papers.<br/> 12 Q. And on this particular one<br/> 13 it shows at the very top, it's got<br/> 14 11-13-2003, seventeen twenty-four<br/> 15 forty-two, which I -- about five<br/> 16 twenty-four in the afternoon; is<br/> 17 that right?<br/> 18 A. Yes, sir.<br/> 19 Q. Now --<br/> 20 A. Actually it's four ten or<br/> 21 about ten till five.<br/> 22 Q. Is there somewhere<br/> 23 other --</p>  |
| <p style="text-align: right;">58</p> <p>1 the inmate's current medical<br/> 2 condition is?<br/> 3 A. No, sir. That --<br/> 4 generated from that medical form --<br/> 5 if there are any medications or<br/> 6 conditions that an officer needs to<br/> 7 know about, then a medical -- a<br/> 8 medication log sheet is then<br/> 9 created for that inmate. They<br/> 10 would note when they came on to<br/> 11 shift the logs from the past few<br/> 12 days, the shift logs from the past<br/> 13 few days, and then that shift log,<br/> 14 if there was anything that the<br/> 15 officer needed to be aware of, it<br/> 16 would be noted there or they would<br/> 17 be reported to orally from the<br/> 18 person they were relieving, the<br/> 19 officer that they were relieving on<br/> 20 shift.<br/> 21 (Whereupon, Plaintiff's<br/> 22 Exhibit One<br/> 23 was marked for</p>   | <p style="text-align: right;">60</p> <p>1 A. The time I'm looking at<br/> 2 says sixteen fifty, which would be<br/> 3 about ten minutes to five.<br/> 4 Q. Okay. I'm looking at a<br/> 5 different place. Where are you<br/> 6 looking at sixteen --<br/> 7 A. At the top.<br/> 8 Q. Okay. Up at the very top?<br/> 9 A. Yes, sir.<br/> 10 MS. MCDONALD: It says,<br/> 11 time.<br/> 12 Q. Yeah, but if you look at<br/> 13 the very top, the very top line,<br/> 14 it's got seventeen twenty-four<br/> 15 forty-two. Do you know why there's<br/> 16 a difference in that time?<br/> 17 A. Sixteen fifty would be the<br/> 18 initial time that the -- the<br/> 19 booking process was started.<br/> 20 Seventeen twenty-four would<br/> 21 probably be the time that it was<br/> 22 actually completed.<br/> 23 Q. And do you know whose</p> |

15 (Pages 57 to 60)

## Daniel Court Reporting, Inc.

|   |  |
|---|--|
| <p style="text-align: right;">61</p> <p>1 handwriting this is (indicating)?</p> <p>2 A. It appears to be my</p> <p>3 handwriting.</p> <p>4 Q. All right.</p> <p>5 (Whereupon, Plaintiff's</p> <p>6 Exhibit Two</p> <p>7 was marked for</p> <p>8 identification.)</p> <p>9 Q. I'm going to show you what</p> <p>10 I'm going to mark, another two-page</p> <p>11 medical screening document marked.</p> <p>12 I'll show you what I've marked as</p> <p>13 Exhibit Two.</p> <p>14 MS. MCDONALD: Can we take</p> <p>15 a break and let me go get the</p> <p>16 original files? I don't have</p> <p>17 those.</p> <p>18 MR. STOCKHAM: Sure.</p> <p>19 MS. MCDONALD: Those are</p> <p>20 in Terry's custody and since he's</p> <p>21 not here I don't have them --</p> <p>22 MR. STOCKHAM: Sure.</p> <p>23 MS. MCDONALD: -- and I</p>  | <p style="text-align: right;">63</p> <p>1 independent recollection of that?</p> <p>2 A. No, sir.</p> <p>3 Q. It also reflects that he</p> <p>4 had attempted suicide six months</p> <p>5 prior to that time?</p> <p>6 A. Correct.</p> <p>7 Q. It's got a place for a</p> <p>8 signature. Is that -- did he sign</p> <p>9 that in your presence?</p> <p>10 A. Yes, sir.</p> <p>11 Q. And it's got a place for</p> <p>12 the date and time, but that's</p> <p>13 blank.</p> <p>14 A. Yes, sir.</p> <p>15 Q. It's got a place for the</p> <p>16 booking officer to sign.</p> <p>17 A. Yes, sir.</p> <p>18 Q. Is there some reason</p> <p>19 why --</p> <p>20 A. Well, you will also note</p> <p>21 that on number five it says, does</p> <p>22 inmate appear to be under the</p> <p>23 influence of drugs or alcohol, and</p>   |
| <p style="text-align: right;">62</p> <p>1 think it's probably a good idea</p> <p>2 that we have the whole file.</p> <p>3 MR. STOCKHAM: Sure.</p> <p>4 That'd be fine. In fact, if you</p> <p>5 can get a stapler it'd make --</p> <p>6 that'd be great.</p> <p>7 (Whereupon, a brief</p> <p>8 recess was taken in</p> <p>9 the deposition.)</p> <p>10 Q. (By Mr. Stockham) This</p> <p>11 information that you recorded here</p> <p>12 that -- on this exhibit indicates</p> <p>13 that Mr. Kelly, when he checked in</p> <p>14 with you on the 13th of November,</p> <p>15 2003, told you that he had</p> <p>16 seizures, that he had a problem</p> <p>17 with being schizophrenic and</p> <p>18 bi-polar, and that he had</p> <p>19 artificial vertebrae in his back;</p> <p>20 is that right?</p> <p>21 A. That's what it appears to</p> <p>22 state.</p> <p>23 Q. Do you have any</p> | <p style="text-align: right;">64</p> <p>1 it's marked yes. So under those</p> <p>2 circumstances I could not be</p> <p>3 certain that the information he was</p> <p>4 giving me was accurate or even</p> <p>5 true.</p> <p>6 Q. So did you do anything to</p> <p>7 follow up to find out if those</p> <p>8 things were true?</p> <p>9 A. Yes, sir. It would then</p> <p>10 -- my next step, or our next course</p> <p>11 of action would be to try to</p> <p>12 establish whether in fact he had</p> <p>13 these conditions, which would</p> <p>14 inquire a good deal of</p> <p>15 investigation trying to find out</p> <p>16 doctor names, trying to find out</p> <p>17 where those doctors were located,</p> <p>18 phone numbers and so forth, which</p> <p>19 is a very tedious task and in many</p> <p>20 cases unfruitful.</p> <p>21 Q. So do you have any record</p> <p>22 of your having done that in this</p> <p>23 case?</p> |

16 (Pages 61 to 64)

## Daniel Court Reporting, Inc.

|   |  |
|---|--|
| <p style="text-align: right;">133</p> <p>1 then the sergeant or the lieutenant<br/>2 will be glad to speak with him?<br/>3 A. In fact, that is correct,<br/>4 and which I did speak with him.<br/>5 The officers, the other corrections<br/>6 officers spoke with him and as I<br/>7 was addressing in that his constant<br/>8 request to see the sheriff. It is<br/>9 not a common incidence for the<br/>10 sheriff to speak with the inmates.<br/>11 That is what he has the lieutenant,<br/>12 myself and the other corrections<br/>13 officers for. There is a grievance<br/>14 policy that if the situation cannot<br/>15 be resolved between the officers,<br/>16 the sergeant and the lieutenant,<br/>17 then certainly that inmate would<br/>18 take his grievance to the sheriff.<br/>19 But at this point there was<br/>20 nothing -- his demands were being<br/>21 met. He was getting medical care.<br/>22 He was getting medication according<br/>23 and prescribed by a doctor. And</p> | <p style="text-align: right;">135</p> <p>1 Ma'am?<br/>2 A. Sir?<br/>3 Q. Who's Kay Taylor?<br/>4 A. Kay Taylor was a<br/>5 corrections officer at the jail.<br/>6 Q. Do you have that document<br/>7 there in your file?<br/>8 A. I do.<br/>9 Q. Why don't you look at that<br/>10 so we can go over it together.<br/>11 Did you instruct Kay<br/>12 Taylor to write out this statement?<br/>13 A. No, sir, I did not. I<br/>14 don't know -- well, I'll say that I<br/>15 don't recall. She may have called<br/>16 me. I may have said, be sure you<br/>17 write it down, but I don't<br/>18 necessarily know that I did.<br/>19 Officers knew that when<br/>20 they had an incident that they were<br/>21 required to write a statement of<br/>22 what they saw and heard.<br/>23 Q. Now, in addition to Mr.</p> |
| <p style="text-align: right;">134</p> <p>1 beyond that, I believe that the<br/>2 officers as well as myself, and<br/>3 Lieutenant Wilson, met everything<br/>4 within the state required legal<br/>5 standards for medical care.<br/>6 Q. Now, on the 16th of<br/>7 December Mr. Kelly had another<br/>8 fall, did he not?<br/>9 MS. MCDONALD: Object to<br/>10 the form.<br/>11 A. Not to my knowledge.<br/>12 Well, alleged fall.<br/>13 Q. Well, an alleged fall?<br/>14 A. An alleged fall.<br/>15 Q. Well, let me show you what<br/>16 I'm going to mark as Exhibit<br/>17 Fourteen.<br/>18 (Whereupon, Plaintiff's<br/>19 Exhibit Fourteen<br/>20 was marked for<br/>21 identification.)<br/>22 Q. This is a statement signed<br/>23 by Kay Taylor. Who is Kay Taylor?</p>  | <p style="text-align: right;">136</p> <p>1 Kelly reporting that he had a<br/>2 seizure, a correction officer had<br/>3 seen him flopping around on the<br/>4 ground.<br/>5 MS. MCDONALD: Object to<br/>6 the form. Let her read over this<br/>7 but I don't --<br/>8 Q. Have you reviewed that<br/>9 document?<br/>10 MS. MCDONALD: Kay<br/>11 Taylor's --<br/>12 MR. STOCKHAM: Yes.<br/>13 MS. MCDONALD: -- report?<br/>14 I don't -- does it say what --<br/>15 (Witness examining<br/>16 documents.)<br/>17 A. Yes, sir.<br/>18 MS. MCDONALD: Wait a<br/>19 minute. What was the question,<br/>20 Richard?<br/>21 MR. STOCKHAM: Have you<br/>22 read the document?<br/>23 A. Yes, sir.</p>  |

34 (Pages 133 to 136)

## Daniel Court Reporting, Inc.

|  |   |
|--|---|
| <p style="text-align: right;">137</p> <p>1 MS. MCDONALD: Okay.<br/> 2 (Whereupon, Plaintiff's<br/> 3 Exhibit Fifteen<br/> 4 was marked for<br/> 5 identification.)<br/> 6 Q. (By Mr. Stockham) Now,<br/> 7 I'm going to show you the next<br/> 8 Exhibit. This is a -- Exhibit<br/> 9 Fifteen is a statement by Dana M.<br/> 10 Harris.<br/> 11 A. Yes, sir, we have that.<br/> 12 Q. Who is Dana M. Harris?<br/> 13 A. She also was a corrections<br/> 14 officer at the county jail.<br/> 15 Q. And at the very top of<br/> 16 that she says, I was in the tower.<br/> 17 At approximately nineteen<br/> 18 forty-nine hours, I heard a loud<br/> 19 noise come from B block. I got up<br/> 20 to see what the noise was and I<br/> 21 observed Bryan Kelly flopping<br/> 22 around on the floor.<br/> 23 A. Correct.</p>  | <p style="text-align: right;">139</p> <p>1 ground?<br/> 2 A. Correct.<br/> 3 (Whereupon, Plaintiff's<br/> 4 Exhibit Sixteen<br/> 5 was marked for<br/> 6 identification.)<br/> 7 Q. This is Exhibit Sixteen.<br/> 8 MS. MCDONALD: Okay. We<br/> 9 have that one.<br/> 10 Q. It is a statement by --<br/> 11 who?<br/> 12 A. It appears to be officer<br/> 13 Aaron Green.<br/> 14 Q. Now, do statements<br/> 15 Fourteen, Fifteen and Sixteen all<br/> 16 relate to the same incident?<br/> 17 A. Not all of them are dated.<br/> 18 However, they all reflect the same<br/> 19 time of day, so I would assume<br/> 20 that, yes, they do.<br/> 21 Q. And why were they all<br/> 22 filled out?<br/> 23 A. Because each officer had</p>   |
| <p style="text-align: right;">138</p> <p>1 Q. It says, I called on the<br/> 2 radio for two or three times for<br/> 3 someone to come back to check on<br/> 4 him. When two two five six and two<br/> 5 two five two came back to check on<br/> 6 him he was still flopping but not<br/> 7 as much.<br/> 8 Who is two two five six?<br/> 9 A. I don't know at that time.<br/> 10 Q. What does two two five six<br/> 11 refer to?<br/> 12 A. An officer's number,<br/> 13 identification number.<br/> 14 Q. And two two five two?<br/> 15 A. I don't know.<br/> 16 Q. Is that another officer?<br/> 17 A. Yes, sir. Those numbers<br/> 18 change every time an officer leaves<br/> 19 and another officer is hired in<br/> 20 their place, so I could not tell<br/> 21 you who those were at that time.<br/> 22 Q. So according to Dana<br/> 23 Harris, she saw him flopping on the</p> | <p style="text-align: right;">140</p> <p>1 some participation in this<br/> 2 incident.<br/> 3 Q. And why was an incident<br/> 4 report -- a report of incident<br/> 5 generated by each of these<br/> 6 officers?<br/> 7 A. It's part of policy and<br/> 8 procedure if there is an incident.<br/> 9 Q. You didn't direct them to<br/> 10 do it?<br/> 11 A. Again, I don't recall<br/> 12 speaking with anyone on this<br/> 13 incident. I don't recall that<br/> 14 conversation. I'm sure that I did.<br/> 15 It was their policy to contact me<br/> 16 any time an inmate had a medical<br/> 17 issue of a -- of a serious nature.<br/> 18 Whether I told them to write it or<br/> 19 not is irregardless because it is<br/> 20 part of corrections officers'<br/> 21 training and policy and procedure<br/> 22 that any officer on duty that<br/> 23 participates in any incident is to</p> |

35 (Pages 137 to 140)

## Daniel Court Reporting, Inc.

|  |  |
|--|--|
| <p style="text-align: right;">141</p> <p>1 write a statement as to what they<br/>2 saw and heard during that incident.<br/>3 Q. Now, this statement says,<br/>4 Kelly was lying on his side close<br/>5 to the door twitching. I first<br/>6 checked visually to see if his<br/>7 breathing -- if he was breathing.<br/>8 Upon doing so he licked his lips,<br/>9 so I knew he hadn't swallowed his<br/>10 tongue. Then I proceeded to check<br/>11 his eyes. When I pulled his eye<br/>12 open he looked at me and then<br/>13 started to look up as if to his<br/>14 forehead. Kelly was responding to<br/>15 me verbally when I attempted to<br/>16 straighten his body position by<br/>17 supporting his chest and back to<br/>18 relieve any strain he may have been<br/>19 in.<br/>20 Now, did you have him<br/>21 evaluated for a seizure disorder<br/>22 after this incident?<br/>23 MS. MCDONALD: Object to</p>                               | <p style="text-align: right;">143</p> <p>1 doctor. I can't say whether he<br/>2 experienced a seizure or not. But<br/>3 the terminology, seizure, is used<br/>4 nowhere in these statements.<br/>5 Q. My question was, you<br/>6 didn't do anything to have him<br/>7 evaluated for a seizure disorder,<br/>8 did you?<br/>9 A. I took him to be -- I made<br/>10 appointments or someone made<br/>11 appointments for him to be<br/>12 evaluated for his falls.<br/>13 Q. Yes, ma'am. My question<br/>14 was, you didn't do anything to have<br/>15 him evaluated for a seizure<br/>16 disorder after this?<br/>17 A. No, sir, nor did I have<br/>18 him evaluated for a heart condition<br/>19 after this. I had him evaluated<br/>20 for falls.<br/>21 Q. What did you do to have<br/>22 him evaluated for falls?<br/>23 A. We simply made an</p> |
| <p style="text-align: right;">142</p> <p>1 the form.<br/>2 A. What I would answer to<br/>3 that is, nowhere in any of these<br/>4 three statements has an officer<br/>5 said or stated that Mr. Kelly has<br/>6 experienced a seizure. What is<br/>7 stated in these statements is that<br/>8 Kelly was seen flopping and then<br/>9 twitching. In my experience as a<br/>10 corrections officer I have seen<br/>11 numerous faked seizures. Now, I<br/>12 cannot say whether Mr. Kelly had a<br/>13 seizure or whether he did not. Mr.<br/>14 Green in his statement makes record<br/>15 of the fact that Mr. Kelly licked<br/>16 his lips and that when Mr. Green<br/>17 tried to open his eye that Mr.<br/>18 Kelly looked at him and then looked<br/>19 up. Those are not, in what brief<br/>20 medical experience I have as an<br/>21 EMT, are not indicative of somebody<br/>22 that's just had a seizure.<br/>23 However, I'm not a medical</p> | <p style="text-align: right;">144</p> <p>1 appointment, explained to the<br/>2 doctor what we had witnessed, and<br/>3 the rest was up to Mr. Kelly to<br/>4 explain to the doctor as his<br/>5 physician and patient<br/>6 confidentiality.<br/>7 Q. When did you make the<br/>8 appointment with the doctor for the<br/>9 falls?<br/>10 A. Well, there are several<br/>11 incidents that are recorded in this<br/>12 chronological where he was taken to<br/>13 the doctor for exams, for X-rays<br/>14 and so forth following his alleged<br/>15 falls.<br/>16 Q. Yes, ma'am. I'm looking<br/>17 at the 12-16 entry on your<br/>18 summary --<br/>19 A. Yes, sir.<br/>20 Q. -- inmate medical summary,<br/>21 Exhibit Eleven.<br/>22 A. Yes, sir.<br/>23 Q. After the 12-16 incident I</p>  |

36 (Pages 141 to 144)

## Daniel Court Reporting, Inc.

|   |   |
|---|---|
| <p style="text-align: right;">145</p> <p>1 don't see any entry where you've<br/>2 taken him to the doctor for tests.<br/>3 A. I don't see anything<br/>4 specific regarding anything other<br/>5 than on 12-16 EMS was summoned for<br/>6 his alleged fall, and then on<br/>7 January 7th he was taken to<br/>8 Pri-care for a medical exam.<br/>9 However, it does not state<br/>10 what that medical exam was for.<br/>11 Q. Well, between December<br/>12 16th and January 7th, he wasn't<br/>13 taken to any doctor for evaluation<br/>14 for his falls, according to your<br/>15 summary, was he?<br/>16 A. According to this summary,<br/>17 there is no event stated. However,<br/>18 I cannot say that he was not taken<br/>19 to the doctor in between those<br/>20 times.<br/>21 MR. STOCKHAM: Mark this<br/>22 as the next Exhibit.<br/>23 (Whereupon, Plaintiff's</p> | <p style="text-align: right;">147</p> <p>1 Q. This would have been put<br/>2 out somewhere where you could have<br/>3 seen it, wouldn't it?<br/>4 MS. MCDONALD: Object to<br/>5 the form. I think she's already<br/>6 told you where these were put.<br/>7 A. These are placed in file.<br/>8 Q. Now, the response is by<br/>9 whom?<br/>10 A. The initials are AB. I<br/>11 would assume that is Al Bradley.<br/>12 Q. Now, Mr. Owens' request to<br/>13 see a real doctor about his falling<br/>14 out on the 18th -- he wasn't<br/>15 provided any evaluation of his fall<br/>16 at least until the 7th of January.<br/>17 MS. MCDONALD: Object to<br/>18 the form.<br/>19 A. I -- the only response I<br/>20 can give to that is I don't recall<br/>21 and I do not have a time line that<br/>22 reflects any visits to the doctor<br/>23 by Mr. Kelly other than what I have</p>   |
| <p style="text-align: right;">146</p> <p>1 Exhibit Seventeen<br/>2 was marked for<br/>3 identification.)<br/>4 Q. I'll show you what I've<br/>5 marked as Exhibit Seventeen and ask<br/>6 if you'll look at the original of<br/>7 that.<br/>8 A. And what is the question?<br/>9 Q. Do you have the originals?<br/>10 Do you have the original in front<br/>11 of you?<br/>12 A. Yes, sir.<br/>13 Q. This document says, need<br/>14 to see a real doctor to find out<br/>15 about falling out so I won't be put<br/>16 in holding pen for being sick. I<br/>17 don't understand why I try to tell<br/>18 the truth and get in trouble for<br/>19 it. They won't let me talk to<br/>20 Ricky Owens so my father is.<br/>21 Now, did you see this<br/>22 document, this complaint?<br/>23 A. I don't recall.</p>   | <p style="text-align: right;">148</p> <p>1 written. There may have been other<br/>2 doctor visits, and I would like to<br/>3 note that Mr. Kelly does not say,<br/>4 to find out about my seizures, he<br/>5 says to find out about, falling<br/>6 out.<br/>7 And I would also like to<br/>8 state that I have had numerous<br/>9 inmates in the jail that did have<br/>10 bonafide conditions of seizures.<br/>11 When those inmates have seizure, it<br/>12 is not always the policy of the<br/>13 jail to call EMS. If this inmate<br/>14 comes into the jail, tells us they<br/>15 have seizures, is on medication for<br/>16 seizure and experiences a seizure,<br/>17 there's nothing really that medical<br/>18 can do for a seizure. You have to<br/>19 let that patient ride that seizure<br/>20 out and unless they're having an<br/>21 active seizure for a prolonged<br/>22 period of time, you give them<br/>23 space, you protect them from</p> |

37 (Pages 145 to 148)

## Daniel Court Reporting, Inc.

|   |   |
|---|---|
| <p style="text-align: right;">149</p> <p>1 injuring themselves further in the<br/>2 act of that seizure, and then you<br/>3 give them a quiet place to rest<br/>4 until they recover from that<br/>5 seizure. But it was not our<br/>6 practice that every time a known<br/>7 inmate to have seizures had a<br/>8 seizure to transport them anywhere.<br/>9 (Whereupon, Plaintiff's<br/>10 Exhibit Eighteen<br/>11 was marked for<br/>12 identification.)<br/>13 Q. Let me show you what I've<br/>14 marked as Exhibit Eighteen.<br/>15 A. Yes.<br/>16 Q. Do you have the original<br/>17 in front of you?<br/>18 A. Yes, sir.<br/>19 Q. This Exhibit Eighteen is a<br/>20 request from the plaintiff saying,<br/>21 I can't understand why one person<br/>22 can fall out and then come back for<br/>23 two days in bed but I get in</p>       | <p style="text-align: right;">151</p> <p>1 with a camera on him twenty-four<br/>2 hours with an officer close at hand<br/>3 so that we could monitor his health<br/>4 and his activity through that time.<br/>5 There were stairs in the cell<br/>6 block. There was an open floor<br/>7 area. There were tables and<br/>8 benches in there that, obviously,<br/>9 he had already hit his head on<br/>10 once, fallen down the stairs once<br/>11 or so he allegedly did.<br/>12 But in that situation I<br/>13 have no idea who he's referring to<br/>14 in his statement that somebody else<br/>15 gets two days in bed or whatever.<br/>16 We didn't have a bed for two days<br/>17 in bed for somebody. We had a<br/>18 holding cell. We were a county<br/>19 jail. We were not a hospital. We<br/>20 were not a rehab center. We were a<br/>21 county jail and the best place to<br/>22 put an inmate with medical issues,<br/>23 especially those such as Mr. Kelly</p> |
| <p style="text-align: right;">150</p> <p>1 trouble so I get sent to the hole.<br/>2 I'm schizophrenic and bipolar and I<br/>3 can't take that hole; that's what<br/>4 it says, right?<br/>5 A. That's what it appears to<br/>6 say, yes, sir.<br/>7 Q. And the response is,<br/>8 you've been told several times why<br/>9 you're up front.<br/>10 A. Correct.<br/>11 Q. You didn't have him<br/>12 evaluated as to whether or not<br/>13 leaving him up front was<br/>14 deleterious to his health, did you?<br/>15 MS. MCDONALD: Object to<br/>16 the form.<br/>17 A. The holding cell -- Mr.<br/>18 Kelly was placed in the holding<br/>19 cell to limit his movement.<br/>20 Apparently and obviously he was<br/>21 having problems with balance and<br/>22 with falling. Our solution to that<br/>23 was to put him in a limited space</p> | <p style="text-align: right;">152</p> <p>1 had, was close up front where we<br/>2 could respond to his needs<br/>3 immediately.<br/>4 Q. Now, there was no bathroom<br/>5 facility in the holding cell, was<br/>6 there?<br/>7 A. There is not.<br/>8 Q. And there's nowhere to get<br/>9 water in the holding cell, is<br/>10 there?<br/>11 A. No, sir, there's not.<br/>12 Q. And there is no bed in the<br/>13 holding cell, is there?<br/>14 A. No, sir, there's not.<br/>15 Q. And who made the decision<br/>16 to put him in the holding cell?<br/>17 A. I would imagine that that<br/>18 was a collective decision between<br/>19 myself and Lieutenant Owens and the<br/>20 officers on -- I mean, Lieutenant<br/>21 Wilson and the officers on shift.<br/>22 Q. I see an entry in the<br/>23 shift log that two oh oh -- two two</p>   |

38 (Pages 149 to 152)

## Daniel Court Reporting, Inc.

|  |  |
|--|--|
| <p style="text-align: right;">153</p> <p>1 oh one and two two one three were<br/> 2 the people who made that decision.<br/> 3 Do you know who two two one three<br/> 4 was?<br/> 5 A. Two two one three was my<br/> 6 number.<br/> 7 Q. Do you know who two two oh<br/> 8 one was?<br/> 9 A. Two two oh one was always<br/> 10 reserved for the sheriff.<br/> 11 Q. And you recall discussing<br/> 12 that issue with the sheriff?<br/> 13 A. I don't recall the<br/> 14 specific conversation, but I do<br/> 15 recall discussing Mr. Bryan Kelly<br/> 16 with the sheriff quite frequently.<br/> 17 Q. What do you recall<br/> 18 discussing quite frequently with<br/> 19 the sheriff?<br/> 20 A. His medical condition and<br/> 21 interaction with his parents.<br/> 22 Q. What do you recall<br/> 23 discussing with the sheriff about</p> | <p style="text-align: right;">155</p> <p>1 one day. It might be three days<br/> 2 before I talk to him again about<br/> 3 it. It just depended on what was<br/> 4 happening at that time.<br/> 5 Q. And what did the sheriff<br/> 6 tell you about Mr. Kelly?<br/> 7 A. Just to -- I mean, I don't<br/> 8 recall specifically what he told<br/> 9 me, but I can tell you that in<br/> 10 general it was basically to<br/> 11 continue doing what we were doing<br/> 12 and providing what medical care we<br/> 13 could for his claims, providing his<br/> 14 medication as prescribed, and<br/> 15 meeting his needs as was within our<br/> 16 ability to do.<br/> 17 Q. I'll show you what -- the<br/> 18 entry on the day shift's report for<br/> 19 12-18-03, and it indicates that he<br/> 20 was to be moved to be held in a<br/> 21 holding cell till further notice<br/> 22 per two two one three and two two<br/> 23 oh one. Does that refresh your</p> |
| <p style="text-align: right;">154</p> <p>1 Mr. Kelly's medical condition with<br/> 2 the sheriff?<br/> 3 A. Updating him on the<br/> 4 incidents that were occurring in<br/> 5 the back, and updating him on steps<br/> 6 being taken to provide him medical<br/> 7 care. Updating him on his -- the<br/> 8 medications that he was taking.<br/> 9 Updating him on the phone calls<br/> 10 from Ms. Kelly, and the frequent<br/> 11 visits from Mr. Kelly.<br/> 12 Q. And when you say,<br/> 13 updating, was this something that<br/> 14 you did every day?<br/> 15 A. Probably not daily but as<br/> 16 needed.<br/> 17 Q. How frequently did you<br/> 18 talk to the sheriff about Mr.<br/> 19 Kelly?<br/> 20 A. As needed.<br/> 21 Q. Well --<br/> 22 A. I can't -- I can't say.<br/> 23 It might be two or three times in</p>               | <p style="text-align: right;">156</p> <p>1 recollection about having any<br/> 2 discussion with the sheriff about<br/> 3 putting Mr. Kelly in the --<br/> 4 A. Certainly.<br/> 5 Q. -- holding cell?<br/> 6 A. Certainly. As I said, it<br/> 7 was a collective decision between<br/> 8 everybody involved that was trying<br/> 9 to meet the needs of Mr. Kelly.<br/> 10 Obviously, giving him space to roam<br/> 11 was becoming detrimental to his<br/> 12 health seeing as he was having<br/> 13 continued falls, alleged falls.<br/> 14 And the solution to that was to<br/> 15 limit his space so that if he did<br/> 16 fall it wouldn't be downstairs, it<br/> 17 wouldn't be hitting his head on a<br/> 18 table, and there would be an<br/> 19 officer close by to make an<br/> 20 immediate response and it would be<br/> 21 on camera.<br/> 22 Q. Now, the camera situation,<br/> 23 there was a film?</p>   |

39 (Pages 153 to 156)

## Daniel Court Reporting, Inc.

|  |  |
|--|--|
| <p style="text-align: right;">157</p> <p>1 A. Yes, sir. There's a -- we<br/>2 have cameras in the holding cells<br/>3 and placed throughout the jail for<br/>4 security purposes, but also for<br/>5 situations such as this where they<br/>6 can be reviewed.<br/>7 Q. Do you know what happens<br/>8 to the films?<br/>9 A. Well, they're stored for a<br/>10 period of time. I think -- I think<br/>11 they're kept -- well, I can't -- I<br/>12 can't say how long they're kept<br/>13 before they are recorded over.<br/>14 Q. Well, as of the time that<br/>15 you wrote Exhibit Eleven, the<br/>16 inmate medical summary, where would<br/>17 those tapes have been?<br/>18 A. They were kept in the<br/>19 tower.<br/>20 Q. Well, I believe you<br/>21 testified that the reason that you<br/>22 wrote this inmate medical summary<br/>23 was because you perceived that</p> | <p style="text-align: right;">159</p> <p>1 (Whereupon, an<br/>2 off-the-record<br/>3 discussion was held.)<br/>4 Q. (By Mr. Stockham) This is<br/>5 a request and at the bottom it<br/>6 appears to be dated, 12-21-03; is<br/>7 that right?<br/>8 A. Yes.<br/>9 Q. And that was the<br/>10 corrections officer's response,<br/>11 correct?<br/>12 A. Correct.<br/>13 Q. And the corrections<br/>14 officer is BS. Do you know who<br/>15 that was?<br/>16 A. No.<br/>17 Q. Is Mr. Stroud possible?<br/>18 A. Could have been Brandon<br/>19 Stroud, yes.<br/>20 Q. And this says, I've been<br/>21 locked down for six days. I've had<br/>22 a bath two times. Aaron took me<br/>23 one time and Al the other. The --</p>   |
| <p style="text-align: right;">158</p> <p>1 there were some potential for<br/>2 ending up here. Well, were the<br/>3 tapes kept from this time frame?<br/>4 A. I don't know.<br/>5 Q. Who would know?<br/>6 A. I'd imagine that the<br/>7 sheriff at that time would know. I<br/>8 don't recall -- or Lieutenant<br/>9 Wilson. I don't -- it would not<br/>10 have been my decision to sequester<br/>11 a particular tape.<br/>12 It was my job as sergeant<br/>13 to document everything I could and<br/>14 to present it to the lieutenant for<br/>15 further decision.<br/>16 MR. STOCKHAM: Mark this<br/>17 as the next Exhibit.<br/>18 (Whereupon, Plaintiff's<br/>19 Exhibit Nineteen<br/>20 was marked for<br/>21 identification.)<br/>22 THE WITNESS: Some of this<br/>23 is not legible to me.</p>   | <p style="text-align: right;">160</p> <p>1 it says, the rule book; is there a<br/>2 rule book?<br/>3 A. There's an inmate rule<br/>4 book.<br/>5 Q. It says, nothing about<br/>6 lock down. It says, you see a<br/>7 doctor on lock down. It says that<br/>8 I can only be held for twenty-three<br/>9 hours.<br/>10 Is there a provision in<br/>11 the rule book that says that you<br/>12 can only be held for twenty-three<br/>13 hours in lock down?<br/>14 A. I believe that's regarding<br/>15 disciplinary issues.<br/>16 Q. Does the rule book say you<br/>17 can only be held in lock down for<br/>18 twenty-three hours?<br/>19 MS. MCDONALD: If you<br/>20 know.<br/>21 A. On a disciplinary issue.<br/>22 And I would actually have to see<br/>23 the rule book to see what it</p> |

40 (Pages 157 to 160)

## Daniel Court Reporting, Inc.

|   |   |
|---|---|
| <p style="text-align: right;">161</p> <p>1 actually states.</p> <p>2 Mr. Kelly was not being</p> <p>3 disciplined. Mr. Kelly was up</p> <p>4 there for his own well-being.</p> <p>5 Q. This says, I can only be</p> <p>6 held for twenty-three hours without</p> <p>7 getting out. I've been held for up</p> <p>8 to seventy hours without getting</p> <p>9 out. I want a hearing to get out</p> <p>10 of here. I fell in here as well</p> <p>11 back there. I'm being treated</p> <p>12 worse than an animal and a hearing</p> <p>13 will be set or I'll notify the</p> <p>14 right ones on the outside. I can't</p> <p>15 help I have seizures and my leg</p> <p>16 goes numb.</p> <p>17 A. Okay. I would also state</p> <p>18 that at the top, where it says</p> <p>19 date, Mr. Kelly also states,</p> <p>20 unknown.</p> <p>21 Q. So he -- at the time that</p> <p>22 he wrote this that he doesn't know</p> <p>23 the date?</p> | <p style="text-align: right;">163</p> <p>1 that one way or the other in this</p> <p>2 response, does it?</p> <p>3 A. No, sir, it doesn't.</p> <p>4 Q. Was this brought to</p> <p>5 anyone's attention other than Mr.</p> <p>6 Stroud?</p> <p>7 A. I can't say.</p> <p>8 Q. He's asking for a hearing</p> <p>9 to be let out of the lock down,</p> <p>10 isn't he?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Was he told anything about</p> <p>13 why he wasn't being let out of the</p> <p>14 lock down?</p> <p>15 A. Sir, I would state to you</p> <p>16 that he had been told multiple,</p> <p>17 numerous times why he was being</p> <p>18 held in observation.</p> <p>19 Q. And here he says that he's</p> <p>20 being treated worse than an animal,</p> <p>21 doesn't he?</p> <p>22 MS. MCDONALD: That's what</p> <p>23 it's -- if it's --</p>   |
| <p style="text-align: right;">162</p> <p>1 A. Apparently not.</p> <p>2 MR. WILLFORD: Object to</p> <p>3 the form.</p> <p>4 MS. MCDONALD: Same</p> <p>5 objection.</p> <p>6 A. I would -- I would state</p> <p>7 that apparently Mr. Kelly's</p> <p>8 perception of what is happening to</p> <p>9 him is -- may not be accurate</p> <p>10 either.</p> <p>11 Q. But we know that it is the</p> <p>12 -- at least before the 22nd that he</p> <p>13 wrote this --</p> <p>14 A. Correct.</p> <p>15 Q. -- because Mr. Stroud</p> <p>16 writes his response on the 21st?</p> <p>17 A. Correct. But I would</p> <p>18 state that because Mr. Kelly is not</p> <p>19 sure of the date, that he also</p> <p>20 probably is not certain of how many</p> <p>21 times he's bathed, how many times</p> <p>22 he's been taken out.</p> <p>23 Q. Well, it doesn't address</p>  | <p style="text-align: right;">164</p> <p>1 A. I can't state his frame of</p> <p>2 mind, sir, but, obviously, his</p> <p>3 perception of what was happening to</p> <p>4 him was not in keeping with the</p> <p>5 actual events and reality of what</p> <p>6 was happening to him.</p> <p>7 Q. Well, at this time,</p> <p>8 according to his note, he had been</p> <p>9 in lock down for six days.</p> <p>10 A. I can't say exactly how</p> <p>11 long he had been in lock down.</p> <p>12 However, I would prefer that we</p> <p>13 call it a holding cell. Lock down</p> <p>14 is for an inmate that is on some</p> <p>15 kind of disciplinary watch. He was</p> <p>16 being held for medical observation</p> <p>17 to prevent him from falling and</p> <p>18 injuring himself further.</p> <p>19 Q. Now, he -- by the way, you</p> <p>20 had never held anyone as long in</p> <p>21 the holding cell as you held Mr.</p> <p>22 Kelly, had you?</p> <p>23 MS. MCDONALD: Object to</p> |

41 (Pages 161 to 164)

## Daniel Court Reporting, Inc.

|   |  |
|---|--|
| <p style="text-align: right;">165</p> <p>1 the form.</p> <p>2 A. I can't say that either.</p> <p>3 Q. Can you name anyone that</p> <p>4 came close to being held as long in</p> <p>5 a holding cell as you held Mr.</p> <p>6 Kelly?</p> <p>7 A. I cannot name anyone in</p> <p>8 particular, but I do know that</p> <p>9 there have been other medical</p> <p>10 incidents that we have had to keep</p> <p>11 inmates up front for their</p> <p>12 well-being.</p> <p>13 Q. Now, according to Mr.</p> <p>14 Kelly, he had been in the cell for</p> <p>15 seventy hours without getting out.</p> <p>16 A. According to Mr. Kelly he</p> <p>17 didn't even know the date.</p> <p>18 Q. Now, is there a -- any</p> <p>19 window in the holding cell?</p> <p>20 A. Yes, there is.</p> <p>21 Q. Where is the window?</p> <p>22 A. The window is created in</p> <p>23 the upper portion center of the</p> | <p style="text-align: right;">167</p> <p>1 window to ensure the privacy of the</p> <p>2 inmate being booked it.</p> <p>3 In addition to that, if an</p> <p>4 inmate is brought to the front for</p> <p>5 medical reasons and has to be</p> <p>6 treated to have a wound changed or</p> <p>7 by any -- any random reason such as</p> <p>8 that where an inmate in holding is</p> <p>9 standing at the door watching and</p> <p>10 is asked to back away from the</p> <p>11 door, and does not comply, then a</p> <p>12 cardboard will be taped over the</p> <p>13 window.</p> <p>14 Q. In fact, the cardboard was</p> <p>15 put over the window by Sheriff</p> <p>16 Owens?</p> <p>17 A. I don't have any</p> <p>18 recollection of Sheriff Owens</p> <p>19 taping anything over the cell</p> <p>20 window.</p> <p>21 Q. Do you recall the</p> <p>22 cardboard being put over the window</p> <p>23 and left there for the duration of</p> |
| <p style="text-align: right;">166</p> <p>1 door.</p> <p>2 Q. Now, is that at eye level?</p> <p>3 A. Yes, sir.</p> <p>4 Q. If you're standing?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Now, in Mr. Kelly's case,</p> <p>7 the sheriff had taped over that --</p> <p>8 A. I can't say --</p> <p>9 Q. -- door --</p> <p>10 A. -- that any -- any piece</p> <p>11 of cardboard was taped over that</p> <p>12 window or by whom for what period</p> <p>13 of time.</p> <p>14 Q. You can't say one way or</p> <p>15 the other?</p> <p>16 A. No, sir, I cannot.</p> <p>17 Q. Is it a practice of taping</p> <p>18 over the hole in the --</p> <p>19 A. On occasion it is. When</p> <p>20 we are booking people in, if we</p> <p>21 have an inmate that stands at the</p> <p>22 window and watches, yes, we will</p> <p>23 tape a piece of cardboard over that</p>  | <p style="text-align: right;">168</p> <p>1 Mr. Owens' --</p> <p>2 A. No, sir.</p> <p>3 Q. You're saying that didn't</p> <p>4 happen?</p> <p>5 A. I'm saying I have no</p> <p>6 recollection of that.</p> <p>7 MR. STOCKHAM: Mark this</p> <p>8 as the next Exhibit.</p> <p>9 (Whereupon, Plaintiff's</p> <p>10 Exhibit Twenty</p> <p>11 was marked for</p> <p>12 identification.)</p> <p>13 Q. I'm going to show you what</p> <p>14 I've marked as Exhibit Twenty and</p> <p>15 ask you what that document is.</p> <p>16 A. It appears to be a medical</p> <p>17 sheet that is filled out at the</p> <p>18 time of booking.</p> <p>19 Q. I don't see a date on it,</p> <p>20 that's why I'm asking you because</p> <p>21 it --</p> <p>22 A. No, I don't and I don't</p> <p>23 see a -- an inmates' name on it</p>  |

42 (Pages 165 to 168)

## Daniel Court Reporting, Inc.

|   |   |
|---|---|
| <p style="text-align: right;">169</p> <p>1 either.</p> <p>2 Q. It was provided me with</p> <p>3 Mr. Kelly's file and that's why I'm</p> <p>4 asking you about it because I don't</p> <p>5 have that -- while I'm asking about</p> <p>6 it I'm going to ask about this next</p> <p>7 document.</p> <p>8 (Whereupon, an</p> <p>9 off-the-record</p> <p>10 discussion was held.)</p> <p>11 (Whereupon, Plaintiff's</p> <p>12 Exhibit Twenty-one</p> <p>13 was marked for</p> <p>14 identification.)</p> <p>15 Q. (By Mr. Stockham) That's</p> <p>16 the other one I'm going to show</p> <p>17 you, which is Exhibit Twenty-One.</p> <p>18 MS. MCDONALD: We've got</p> <p>19 it.</p> <p>20 A. Okay, but what I want to</p> <p>21 say about this, first of all, is</p> <p>22 that there is no inmate name on</p> <p>23 this and I can't say what inmate it</p>   | <p style="text-align: right;">171</p> <p>1 incorporated by the software maker.</p> <p>2 As far as the title of this sheet</p> <p>3 being a lock down booking sheet,</p> <p>4 there is no specification between a</p> <p>5 general booking or a lock down</p> <p>6 booking. It's all the same.</p> <p>7 And I have serious</p> <p>8 questions as to this even belonging</p> <p>9 to Mr. Kelly because it states in</p> <p>10 here that this inmate, whoever it</p> <p>11 may be, has lung cancer.</p> <p>12 Q. This one also shows that</p> <p>13 he has codeine allergies and that</p> <p>14 he had been in the hospital six</p> <p>15 months ago.</p> <p>16 A. So I can't say that this</p> <p>17 even belongs to Mr. Kelly, and why</p> <p>18 it's in this file, I don't know.</p> <p>19 Or, if it does belong to Mr. Kelly,</p> <p>20 it would be consistent in what I've</p> <p>21 been telling you about inmate</p> <p>22 claims. If he told me or the</p> <p>23 officer at that booking that he had</p> |
| <p style="text-align: right;">170</p> <p>1 actually refers to. There's no</p> <p>2 date, there's no booking number,</p> <p>3 there's no anything on this.</p> <p>4 Q. Now, it's in Mr. Kelly's</p> <p>5 file.</p> <p>6 A. I understand that it's in</p> <p>7 the file, but I can't identify it</p> <p>8 as Mr. Kelly's.</p> <p>9 Q. Okay. But it's still</p> <p>10 nailed down in the file?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Looking at Exhibit</p> <p>13 -- let me see the Exhibits, please,</p> <p>14 and you can look at the originals.</p> <p>15 Exhibits Twenty and</p> <p>16 Twenty-one, both of them have</p> <p>17 entries, lock down booking sheet.</p> <p>18 Do you have a special booking sheet</p> <p>19 that you use when you put someone</p> <p>20 in lock down?</p> <p>21 A. No, sir. This is a sheet</p> <p>22 generated from a previous jail</p> <p>23 program, software program, that was</p> | <p style="text-align: right;">172</p> <p>1 lung cancer, certainly his medical</p> <p>2 record since that time has shown</p> <p>3 nothing of any lung cancer.</p> <p>4 Q. Well, now, the person that</p> <p>5 booked him in was you, right?</p> <p>6 A. On this particular --</p> <p>7 Q. Well, the person who</p> <p>8 booked him into the jail on the</p> <p>9 13th was you.</p> <p>10 A. Well now, I think we're</p> <p>11 talking about two different booking</p> <p>12 sheets here.</p> <p>13 Q. Well, in this booking</p> <p>14 sheet that we're looking at,</p> <p>15 Exhibit Twenty --</p> <p>16 A. Let me see what you're</p> <p>17 looking at.</p> <p>18 MS. MCDONALD: Well, she's</p> <p>19 already told you this doesn't have</p> <p>20 a date.</p> <p>21 Q. It doesn't have a date,</p> <p>22 but it does --</p> <p>23 MS. MCDONALD: She doesn't</p>  |

43 (Pages 169 to 172)

## Daniel Court Reporting, Inc.

|  |   |
|--|---|
| <p style="text-align: right;">173</p> <p>1 know what -- from what<br/> 2 incarceration it was. She's<br/> 3 already told you several times, he<br/> 4 was admitted -- he's been in and<br/> 5 out of this jail -- we don't know<br/> 6 -- we don't have a name on this and<br/> 7 we don't have a date on it. So we<br/> 8 don't know if -- she doesn't know<br/> 9 whether she booked him or not on<br/> 10 this.<br/> 11 Q. My question --<br/> 12 MS. MCDONALD: She booked<br/> 13 him on the 13th. There is a not a<br/> 14 date on this, Richard.<br/> 15 Q. My question is, is this<br/> 16 your handwriting on Exhibit Twenty?<br/> 17 A. Wait a minute, let me see.<br/> 18 No, this is not my handwriting.<br/> 19 Q. Okay. On Exhibit<br/> 20 Twenty-one, which is this one<br/> 21 (indicating), is that your<br/> 22 handwriting?<br/> 23 A. No.</p> | <p style="text-align: right;">175</p> <p>1 MS. MCDONALD: Thank you.<br/> 2 (Whereupon, an<br/> 3 off-the-record<br/> 4 discussion was held.)<br/> 5 (Whereupon, Plaintiff's<br/> 6 Exhibit Twenty-two<br/> 7 was marked for<br/> 8 identification.)<br/> 9 Q. (By Mr. Stockham) Next<br/> 10 Exhibit -- I'll show you what's<br/> 11 marked as Exhibit Twenty-two.<br/> 12 Do you see Exhibit<br/> 13 Twenty-two, the original?<br/> 14 A. Yes, sir.<br/> 15 Q. It's dated, 12-27-03?<br/> 16 A. Yes.<br/> 17 Q. It says, right tooth is<br/> 18 hurting and need to see medical<br/> 19 doctor to get stomach pills. That<br/> 20 "mediocolic" was keeping my back<br/> 21 and tooth pain --<br/> 22 MS. MCDONALD: It says --<br/> 23 Q. -- keeping it down --</p>   |
| <p style="text-align: right;">174</p> <p>1 Q. Okay. Now --<br/> 2 A. And the reason being, I<br/> 3 write in all caps and that's not my<br/> 4 handwriting. This one (indicating)<br/> 5 is my handwriting in all caps.<br/> 6 That (indicating) is not.<br/> 7 MR. WILLFORD: What is<br/> 8 this one?<br/> 9 MS. MCDONALD: She's<br/> 10 referring to the medical screening<br/> 11 form which is, I think, it's been<br/> 12 previously marked --<br/> 13 MR. STOCKHAM: Exhibit --<br/> 14 THE WITNESS: It's 11-13.<br/> 15 MS. MCDONALD: The one<br/> 16 that we marked as Exhibit One,<br/> 17 which is the medical screening<br/> 18 form, that's what she's identifying<br/> 19 as being her handwriting.<br/> 20 MR. STOCKHAM: Okay.<br/> 21 MR. WILLFORD: I just<br/> 22 wanted to make that clear for the<br/> 23 record.</p>                           | <p style="text-align: right;">176</p> <p>1 excuse me. It shows a response of<br/> 2 January the 2nd -- no, it doesn't.<br/> 3 It shows a response, will make<br/> 4 dental appointment and get Robaxin<br/> 5 refilled 1-2-04.<br/> 6 So it either is a response<br/> 7 on January the 2nd or -- that he<br/> 8 will get the Robaxin refilled on<br/> 9 1-2-04, right?<br/> 10 A. That's correct.<br/> 11 Q. Do you know who wrote<br/> 12 that?<br/> 13 A. I can't say.<br/> 14 Q. Who was responsible for<br/> 15 making the doctor's appointment and<br/> 16 getting the medication?<br/> 17 A. The officer on shift.<br/> 18 Q. Now, can you tell me why<br/> 19 it was over two weeks before Mr.<br/> 20 Kelly was made a dental<br/> 21 appointment?<br/> 22 A. Over two weeks? The<br/> 23 request was made on 12-27 and the</p> |

44 (Pages 173 to 176)

## Daniel Court Reporting, Inc.

|   |   |
|---|---|
| <p style="text-align: right;">177</p> <p>1 latest response on here is January<br/>2 2nd. That's --<br/>3 Q. Look at your medical<br/>4 summary, Exhibit Eleven.<br/>5 (Witness examining<br/>6 documents.)<br/>7 A. Okay.<br/>8 Q. It says he wasn't taken to<br/>9 the dentist until January 14th.<br/>10 A. He had a tooth pulled on<br/>11 January 14th.<br/>12 Q. What I'm asking is, why<br/>13 did you wait over two and half<br/>14 weeks before you got him an<br/>15 appointment for his tooth problem?<br/>16 A. It's very possible that he<br/>17 had to be put on an antibiotic<br/>18 before having that tooth extracted,<br/>19 which would be the case if the<br/>20 tooth was infected, that is what<br/>21 happened in most cases. The<br/>22 dentist would prescribe an<br/>23 antibiotic for the inmate to be on</p> | <p style="text-align: right;">179</p> <p>1 A. Okay.<br/>2 Q. I'm looking at an entry in<br/>3 Dr. John James' phone -- his record<br/>4 of a phone conversation. It says,<br/>5 jail called, said patient is acting<br/>6 awful, can't do anything with him<br/>7 and they said mother told them she<br/>8 was incorrect on those Zyprexa. It<br/>9 is supposed to be twenty<br/>10 milligrams.<br/>11 Do you have any<br/>12 recollection about that<br/>13 conversation with Dr. Kelly's --<br/>14 MS. MCDONALD: Does it<br/>15 reflect that it was a conversation<br/>16 with Wendy?<br/>17 MR. STOCKHAM: It says,<br/>18 jail called. That's why I'm<br/>19 asking.<br/>20 A. No, sir. I have no<br/>21 recollection of that.<br/>22 Q. Who -- it says, I called<br/>23 FW to confirm his twenty</p>  |
| <p style="text-align: right;">178</p> <p>1 for ten days prior to having the<br/>2 extraction.<br/>3 Q. There's no entry about the<br/>4 dentist making any appointment to<br/>5 see Mr. Kelly before the 14th, is<br/>6 there?<br/>7 A. No, sir, not that I can<br/>8 see immediately right here in the<br/>9 file.<br/>10 Q. Your note doesn't reflect<br/>11 it, does it?<br/>12 A. No, sir.<br/>13 (Whereupon, an<br/>14 off-the-record<br/>15 discussion was held.)<br/>16 A. I'd also like to add<br/>17 that --<br/>18 Q. (By Mr. Stockham) Wait<br/>19 till I ask you a question. I know<br/>20 you just talked with your lawyer<br/>21 and she can ask you questions, but<br/>22 right now just respond to my<br/>23 questions.</p>   | <p style="text-align: right;">180</p> <p>1 milligrams. Do you know who FW<br/>2 would be?<br/>3 A. I have no idea.<br/>4 Q. Now, did you have any<br/>5 conversation with anyone about Mr.<br/>6 Kelly needing to have his meds<br/>7 adjusted?<br/>8 A. No, sir, I don't remember<br/>9 any conversation of that nature. I<br/>10 would have certainly left that to<br/>11 the doctors who are qualified to do<br/>12 that.<br/>13 Q. Well, did you have any<br/>14 conversation with the jail staff<br/>15 about it?<br/>16 A. The only -- the only<br/>17 conversation there would have been<br/>18 between myself and the officers was<br/>19 any new medications that were being<br/>20 added to his quite lengthy regimen<br/>21 of medications, and because some of<br/>22 those medications had to be<br/>23 administered at different times,</p> |

45 (Pages 177 to 180)

## Daniel Court Reporting, Inc.

|  |  |
|--|--|
| <p style="text-align: right;">181</p> <p>1 trying to make sure that those<br/>2 medications were given to him as<br/>3 directed, at the times directed.<br/>4 But as far as adjusting medications<br/>5 I don't think anybody in the jail<br/>6 was medically qualified to make<br/>7 that decision as to whether his<br/>8 meds needed to be changed or not.<br/>9 Q. Well, whether you made the<br/>10 decision or not, did you have any<br/>11 conversation about the fact that<br/>12 his mother might have said they<br/>13 need to be changed or anything --<br/>14 A. Not -- not to my<br/>15 recollection.<br/>16 Q. -- or that the doctor said<br/>17 anything about changing the meds?<br/>18 A. Not to my recollection.<br/>19 Q. Did you have any<br/>20 conversation with anyone about the<br/>21 fact that he was acting awful?<br/>22 A. Mr. Kelly generally was<br/>23 acting awful.</p> | <p style="text-align: right;">183</p> <p>1 I'm just asking you if you made any<br/>2 comment to anyone outside the jail<br/>3 about Mr. Kelly acting awful?<br/>4 A. No, sir, not to my<br/>5 knowledge.<br/>6 Q. Did you talk to his<br/>7 parents about the fact that he was<br/>8 acting awful?<br/>9 A. I don't remember speaking<br/>10 with his parents about him acting<br/>11 awful. I do remember speaking with<br/>12 his parents about letting us do our<br/>13 job, trusting our ability to do our<br/>14 job without constant interference.<br/>15 I do remember specifically speaking<br/>16 with them on that.<br/>17 Q. Who did you speak with<br/>18 about that?<br/>19 A. Mr. and Mrs. Kelly.<br/>20 Q. When did you do that?<br/>21 A. On several occasions. And<br/>22 I could not tell you specific dates<br/>23 because, like I said, if one was</p> |
| <p style="text-align: right;">182</p> <p>1 Q. I guess I'm asking, did<br/>2 you have any conversation with<br/>3 anyone in the jail about that, that<br/>4 he was acting awful?<br/>5 A. Certainly we would -- we<br/>6 would comment, you know, as to what<br/>7 Mr. Kelly said or what Mr. Kelly<br/>8 did or what he was doing or how<br/>9 many notes he had sent out or the<br/>10 demands that he was making, and so<br/>11 forth and so on. But there was no<br/>12 formal conversation about any one<br/>13 incident.<br/>14 Q. This is a comment to the<br/>15 doctor about him acting awful. Did<br/>16 you make any comments to anyone<br/>17 else outside the jail about the<br/>18 fact that Mr. Kelly was acting<br/>19 awful?<br/>20 A. No, sir. No, sir. Inmate<br/>21 records are confidential.<br/>22 Q. I understand that. I'm<br/>23 not talking about inmate records.</p>           | <p style="text-align: right;">184</p> <p>1 not there the other one was<br/>2 calling.<br/>3 MR. STOCKHAM: I need to<br/>4 take about a five minute break.<br/>5 MS. MCDONALD: Okay.<br/>6 (Whereupon, a brief<br/>7 recess was taken in<br/>8 the deposition.)<br/>9 Q. (By Mr. Stockham) Ms.<br/>10 Roberson, when -- following up on<br/>11 that Mr. Kelly was acting awful,<br/>12 what things did you mean when you<br/>13 said he was acting awful? I<br/>14 gathered that some of them were<br/>15 that he was filling out a lot of<br/>16 these forms.<br/>17 MS. MCDONALD: Object to<br/>18 the form.<br/>19 MR. WILLFORD: Object to<br/>20 the form.<br/>21 Q. Is that correct?<br/>22 MR. WILLFORD: Same<br/>23 objection.</p>   |

46 (Pages 181 to 184)

## Daniel Court Reporting, Inc.

|   |  |
|---|--|
| <p style="text-align: right;">185</p> <p>1 MS. MCDONALD: Same<br/>2 objection.<br/>3 A. When an --<br/>4 MS. MCDONALD: What do you<br/>5 mean by that?<br/>6 A. Yeah.<br/>7 Q. Yeah, that's what I'm<br/>8 trying to find out.<br/>9 A. Okay. What do I mean by<br/>10 that? In the sense that there are<br/>11 legitimate inmate requests. I<br/>12 mean, an inmate will send a request<br/>13 out for something reasonable and<br/>14 within the realms of what we can<br/>15 satisfy, and -- and that's fine.<br/>16 It becomes a nuisance when<br/>17 an inmate is sending out multiple<br/>18 requests for the same thing<br/>19 repeatedly -- up to twelve inmate<br/>20 requests a day for the same thing.<br/>21 He's been told orally by officers.<br/>22 Every effort is being made to meet<br/>23 his request and the inmate</p>   | <p style="text-align: right;">187</p> <p>1 intercom for him to buzz in the --<br/>2 A. No, sir. But when he was<br/>3 in the holding cell he certainly<br/>4 had the ability to knock on the<br/>5 door, which he did quite<br/>6 frequently.<br/>7 Q. Now, other than sending<br/>8 out requests, what else did he do<br/>9 that -- was what you categorized as<br/>10 being acting awful?<br/>11 MS. MCDONALD: Object to<br/>12 the form.<br/>13 A. Well, I did not write that<br/>14 notation, so I cannot say what<br/>15 these -- the corrections officer<br/>16 was referring to.<br/>17 Q. No, I understand that.<br/>18 But you told me here that he was<br/>19 acting awful.<br/>20 A. He did act awful. He<br/>21 was --<br/>22 Q. And that's what I'm asking<br/>23 --</p>  |
| <p style="text-align: right;">186</p> <p>1 continues to ask for the same<br/>2 things over and over again, beyond<br/>3 reason.<br/>4 Q. Okay. I don't see twelve<br/>5 inmate requests in a day in any of<br/>6 these days.<br/>7 A. No, sir, but I'm telling<br/>8 you that it does happen. Mr. Kelly<br/>9 may not have been sending out<br/>10 twelve in a day, but he was<br/>11 certainly, as we've seen from the<br/>12 files, sending out two to three a<br/>13 day after having repeatedly been<br/>14 told that either an appointment was<br/>15 being made for him or that the<br/>16 doctor did not prescribe pain<br/>17 medication for him, and so forth<br/>18 and so on. And yet he continued to<br/>19 buzz the intercom in the tower to<br/>20 ask these questions over and over<br/>21 again, to send out inmate requests,<br/>22 to constantly --<br/>23 Q. Well, there wasn't an</p> | <p style="text-align: right;">188</p> <p>1 A. -- he was constantly<br/>2 making demands. He was constantly<br/>3 complaining. He was constantly<br/>4 misconstruing information to his<br/>5 parents, causing unfounded concerns<br/>6 in his parents, which, in turn,<br/>7 caused his parents to completely<br/>8 inundate us with visits and calls<br/>9 when there was no need for that.<br/>10 Q. Okay. Anything else that<br/>11 he did that you thought was awful?<br/>12 A. And, again, awful would be<br/>13 that officer's term in that note --<br/>14 Q. No, I'm just talking about<br/>15 yours. You said he was acting<br/>16 awful and that's why I'm asking<br/>17 what you thought was awful.<br/>18 A. Constantly complaining<br/>19 about one thing or another, never<br/>20 being able to satisfy Mr. Kelly.<br/>21 No matter what was done, no matter<br/>22 what steps were being taken to meet<br/>23 his needs, never being satisfied</p> |

47 (Pages 185 to 188)

## Daniel Court Reporting, Inc.

|   |   |
|---|---|
| <p style="text-align: right;">189</p> <p>1 with those actions and constantly<br/>2 demanding more.<br/>3 Q. Anything else?<br/>4 A. No, sir.<br/>5 Q. At what point did you --<br/>6 did he become awful, in your<br/>7 opinion?<br/>8 A. I would say from the time<br/>9 of his last incarceration that<br/>10 reflects these falls and these<br/>11 medications and doctor visits and<br/>12 so forth.<br/>13 Q. So from the very beginning<br/>14 of that incarceration?<br/>15 A. Yes, sir.<br/>16 Q. So from 11-13-03 onward?<br/>17 A. Whenever that<br/>18 incarceration began, yes, sir.<br/>19 Q. Well, look at Exhibit One,<br/>20 the intake document of 11-13-03.<br/>21 A. Yes, sir.<br/>22 Q. Is that when it began?<br/>23 A. Yes, sir. He came in, as</p>   | <p style="text-align: right;">191</p> <p>1 A. No, sir, no conversations<br/>2 in particular, just do your job and<br/>3 treat him the same as you treat any<br/>4 other inmate in this situation.<br/>5 So --<br/>6 Q. Why would you say that to<br/>7 them?<br/>8 A. Because the officers were<br/>9 getting exhausted with trying to<br/>10 meet his demands. You have to<br/>11 understand that there are other<br/>12 inmates in the jail that have<br/>13 needs, legitimate needs. You have<br/>14 the county communications that the<br/>15 officer is responsible for. You<br/>16 have other bookings. You have<br/>17 other -- you have meals that have<br/>18 to be served. You have other<br/>19 medications that have to be given.<br/>20 There are many duties during the<br/>21 course of the day of a corrections<br/>22 officer. Part of their job is<br/>23 meeting the needs of the inmates,</p> |
| <p style="text-align: right;">190</p> <p>1 I stated, to appear to be under the<br/>2 influence of drugs or alcohol and<br/>3 making demands from the time he got<br/>4 there.<br/>5 Q. Now, did you discuss with<br/>6 the other officers who were in the<br/>7 jail the fact that Mr. Kelly was<br/>8 complaining excessively?<br/>9 A. No, sir, I didn't have to<br/>10 discuss it with them. Everyone was<br/>11 aware of it.<br/>12 Q. But did y'all have any<br/>13 conversations about him?<br/>14 A. No, sir, other than<br/>15 somebody might say, got another<br/>16 request form from Mr. Kelly. You<br/>17 know, it was -- it was common<br/>18 knowledge among the officers<br/>19 because they were all experiencing<br/>20 it.<br/>21 Q. And that's what I'm<br/>22 asking, did you have any<br/>23 conversations about that?</p> | <p style="text-align: right;">192</p> <p>1 but when you have an inmate who is<br/>2 excessively exhausting those --<br/>3 those attempts, then, yes, your<br/>4 officers become weary of that<br/>5 situation.<br/>6 Q. How do you know the<br/>7 officers were getting exhausted?<br/>8 A. Just simply through<br/>9 fluctuations in voice and tone and<br/>10 body language.<br/>11 Q. What do you mean, body<br/>12 language?<br/>13 A. Well, just, got something<br/>14 else from Mr. Kelly. Mr. Kelly<br/>15 wants meds. Mr. Kelly wants this<br/>16 -- just exhaustion, just being<br/>17 tired of it. In the same manner<br/>18 that you become tired with anybody<br/>19 that excessively calls you about a<br/>20 matter that you're representing<br/>21 them on. You know, you tell them<br/>22 what you can tell them, you do what<br/>23 you can for them, but beyond that,</p>                       |

48 (Pages 189 to 192)

## Daniel Court Reporting, Inc.

|   |  |
|---|--|
| <p style="text-align: right;">193</p> <p>1 how many times do you have to be<br/>2 repetitive before it becomes<br/>3 somewhat of an exhaustion.<br/>4 Q. When did the officers<br/>5 indicate to you they had become<br/>6 exhausted?<br/>7 MR. WILLFORD: Object to<br/>8 the form.<br/>9 MS. MCDONALD: Same<br/>10 objection.<br/>11 A. No particular time.<br/>12 Q. Well, what time frame<br/>13 after Mr. Kelly was --<br/>14 A. I would say probably about<br/>15 into the second week of his being<br/>16 there. In dealing with his parents<br/>17 and dealing with Mr. Kelly, it was<br/>18 a constant ongoing thing in<br/>19 addition to the officers' other<br/>20 duties and operation of the jail.<br/>21 It became a separate duty all and<br/>22 of its own.<br/>23 Q. Did any officers complain</p>   | <p style="text-align: right;">195</p> <p>1 time and they've been lost somehow?<br/>2 A. A ream may be an<br/>3 exaggeration, but what I'm trying<br/>4 to get across to you is that it was<br/>5 extremely in excess. If they had<br/>6 been separate issues that he was<br/>7 addressing on those requests, it<br/>8 would have been a different<br/>9 situation. But these were the same<br/>10 issues over and over again. He was<br/>11 being explained to orally what the<br/>12 status was of his situation. He<br/>13 was having it written to him on the<br/>14 request forms and there was nothing<br/>15 else we could do -- I mean, as far<br/>16 as making him understand. And I'm<br/>17 not sure if Mr. Kelly had a memory<br/>18 problem or if he just was<br/>19 persistent in what he was doing.<br/>20 Q. I see seven, eight,<br/>21 nine -- I see nine request forms.<br/>22 Do you think there were more than<br/>23 the nine that I'm -- ten, eleven,</p> |
| <p style="text-align: right;">194</p> <p>1 to you about the fact that Mr.<br/>2 Kelly was excessive in his demands?<br/>3 A. Not in particular and they<br/>4 didn't have to state the obvious.<br/>5 Q. What do you mean by, state<br/>6 the obvious?<br/>7 A. Well, the obvious is is<br/>8 that most inmates during their stay<br/>9 at the jail, if they're there for<br/>10 three months, on average you might<br/>11 receive a request a month from them<br/>12 -- at the most, a request a week.<br/>13 I would say that Mr. Kelly probably<br/>14 went through a ream of paper a<br/>15 month.<br/>16 Q. Well, I'm sitting here<br/>17 looking at these request forms and<br/>18 I don't see anything close to a<br/>19 ream. Are there others that were<br/>20 not retained?<br/>21 A. I don't know, sir.<br/>22 Q. You think, though, that<br/>23 there was a ream of them at one</p> | <p style="text-align: right;">196</p> <p>1 twelve, thirteen, fourteen,<br/>2 fifteen, sixteen, seventeen,<br/>3 eighteen -- I see eighteen request<br/>4 forms; do you think there are more<br/>5 than eighteen request forms?<br/>6 A. I can only attest to<br/>7 what's in the file.<br/>8 Q. He was there from the 13th<br/>9 of November to the 16 of January.<br/>10 A. Yes, sir.<br/>11 Q. But you think there may be<br/>12 more than the sixteen that are in<br/>13 the file?<br/>14 A. All I can say is what's in<br/>15 the file.<br/>16 MS. MCDONALD: I count<br/>17 twenty.<br/>18 Q. All right. Do you think<br/>19 there are more than the twenty that<br/>20 your lawyer counted in the file?<br/>21 A. If there are twenty in the<br/>22 file, then that's how many he<br/>23 submitted.</p>   |

49 (Pages 193 to 196)

## Daniel Court Reporting, Inc.

|  |  |
|--|--|
| <p style="text-align: right;">197</p> <p>1 Q. But you think that's an<br/>2 excessive number?<br/>3 A. I think it was an<br/>4 excessive number of written<br/>5 requests based on the same request.<br/>6 Q. Now, are you the person<br/>7 who decided that Mr. Kelly was not<br/>8 -- let me back up a second -- let<br/>9 me ask this.<br/>10 Do you remember being<br/>11 present when the sheriff told Mr.<br/>12 Kelly that he was going to stay in<br/>13 the hole as long as he was in the<br/>14 jail?<br/>15 MR. WILLFORD: Object to<br/>16 the form.<br/>17 MS. MCDONALD: Same<br/>18 objection.<br/>19 A. No, sir, I do not.<br/>20 Q. You're saying it didn't<br/>21 happen or you just don't recall it?<br/>22 MS. MCDONALD: You asked<br/>23 her if she was present.</p>  | <p style="text-align: right;">199</p> <p>1 cell?<br/>2 MS. MCDONALD: Exercise<br/>3 outside?<br/>4 Q. Exercise at all?<br/>5 A. I can't -- I can't<br/>6 specifically recall.<br/>7 Q. Who would be the one to<br/>8 decide whether or not Mr. Kelly got<br/>9 exercise?<br/>10 A. It was policy of the jail,<br/>11 weather permitting, and, of course,<br/>12 there had to be enough officers on<br/>13 duty, that on Saturdays or Sundays,<br/>14 depending on which day there were<br/>15 enough officers and the weather was<br/>16 permitting, that the inmates as a<br/>17 whole were able to go out on the<br/>18 exercise yard.<br/>19 During the winter months<br/>20 there was very little of that<br/>21 simply because of the weather. But<br/>22 as to whether Mr. Kelly<br/>23 participated in that, I can't say.</p> |
| <p style="text-align: right;">198</p> <p>1 A. I was not present for any<br/>2 conversation of that nature.<br/>3 Q. Now, did you ever provide<br/>4 Mr. Kelly with water when he was in<br/>5 the holding cell?<br/>6 A. I don't recall.<br/>7 Q. There was no way for him<br/>8 to get water without a jailer<br/>9 providing it to him, was there?<br/>10 A. That's correct.<br/>11 Q. Did you ever instruct<br/>12 anyone to provide Mr. Kelly with an<br/>13 opportunity to exercise when he was<br/>14 in the holding cell?<br/>15 A. I don't recall.<br/>16 Q. The only way for Mr. Kelly<br/>17 to get exercise would be for a<br/>18 jailer to let him out into the<br/>19 exercise area?<br/>20 A. That's correct.<br/>21 Q. Do you know whether or not<br/>22 Mr. Kelly received any exercise the<br/>23 entire time he was in the holding</p> | <p style="text-align: right;">200</p> <p>1 Q. Well, you know he wasn't<br/>2 -- he wasn't allowed to have any<br/>3 exercise when he was being held in<br/>4 the hold?<br/>5 MR. WILLFORD: Object to<br/>6 the form.<br/>7 A. Well, he could exercise in<br/>8 the hold. He can do sit-ups, he<br/>9 can do push-ups, he can do squats.<br/>10 Q. Now, who was the person<br/>11 who decided that he was going to<br/>12 have to sleep on the floor in the<br/>13 hold?<br/>14 MR. WILLFORD: Object to<br/>15 the form.<br/>16 MS. MCDONALD: Same<br/>17 objection.<br/>18 A. Nobody, to my knowledge,<br/>19 told Mr. Kelly that he had to sleep<br/>20 on the floor. At one point, it was<br/>21 suggested to him by myself, Bryan,<br/>22 why don't you put your mat on the<br/>23 floor so that if you fall, you will</p>        |

50 (Pages 197 to 200)

## Daniel Court Reporting, Inc.

|  |  |
|--|--|
| <p style="text-align: right;">201</p> <p>1 not fall from the platform. It was<br/> 2 up to Mr. Kelly where he slept.<br/> 3 Nobody made him sleep in one place<br/> 4 or another.<br/> 5 Q. In fact, when people were<br/> 6 held in the holding cells, they<br/> 7 were not allowed to put their mats<br/> 8 up on the --<br/> 9 A. That's not true.<br/> 10 MS. MCDONALD: Let him<br/> 11 finish his question.<br/> 12 Q. -- up on the shelf?<br/> 13 A. That's not true.<br/> 14 Q. In fact, if someone put<br/> 15 their mat up on the shelf, they<br/> 16 were instructed to take it down.<br/> 17 A. No, sir.<br/> 18 Q. That never happened?<br/> 19 A. Not to my knowledge, no,<br/> 20 sir.<br/> 21 Q. Who was the person<br/> 22 responsible for seeing that toilet<br/> 23 paper was provided to Mr. Kelly</p>  | <p style="text-align: right;">203</p> <p>1 not something randomly changed.<br/> 2 Q. Where was the temperature<br/> 3 regulated in the holding cell?<br/> 4 A. I believe that thermostat<br/> 5 is located in the booking portion<br/> 6 of the jail.<br/> 7 Q. And who regulates that<br/> 8 temperature?<br/> 9 A. It stays -- depending on<br/> 10 whether it's summer or winter, it<br/> 11 stays between sixty-five and<br/> 12 seventy-five, in between those<br/> 13 temperatures. And it's not a<br/> 14 separate -- it's not a separate<br/> 15 thermostat for the holding cell, it<br/> 16 is for the entire booking area.<br/> 17 Q. Just for the booking area?<br/> 18 A. So far as I can recall.<br/> 19 Q. Mr. Kelly complained to<br/> 20 you about being cold, didn't he?<br/> 21 MS. MCDONALD: Object to<br/> 22 the form.<br/> 23 A. Not -- not that I</p> |
| <p style="text-align: right;">202</p> <p>1 when he was in the holding cell?<br/> 2 A. The officer on duty.<br/> 3 However, Mr. Kelly would have been<br/> 4 provided with a roll of toilet<br/> 5 paper at the same time that the<br/> 6 other inmates are issued their<br/> 7 rolls of toilet paper.<br/> 8 Q. In fact, Mr. Kelly was not<br/> 9 provided toilet paper because he<br/> 10 was using it to wrap around his<br/> 11 feet; isn't that right?<br/> 12 MS. MCDONALD: Object to<br/> 13 the form.<br/> 14 A. I have no recollection of<br/> 15 that.<br/> 16 Q. Who was responsible for<br/> 17 regulating the temperature in the<br/> 18 holding cell?<br/> 19 A. The temperature was set at<br/> 20 an economic and necessary<br/> 21 temperature for general operations<br/> 22 and comfort of inmates and officers<br/> 23 for proper ventilation, but it was</p> | <p style="text-align: right;">204</p> <p>1 recollect.<br/> 2 Q. Mr. Kelly complained to<br/> 3 you that he was not being allowed<br/> 4 to get a shower, didn't he?<br/> 5 MS. MCDONALD: Object to<br/> 6 the form.<br/> 7 A. No, sir, I don't recall<br/> 8 him complaining to me about not<br/> 9 getting a shower.<br/> 10 Q. Did you ever take him to<br/> 11 the bathroom?<br/> 12 A. If I was in the booking<br/> 13 area and he tapped on the door that<br/> 14 he needed to go to the bathroom,<br/> 15 and the other officers were busy,<br/> 16 then certainly I would allow him to<br/> 17 use the restroom.<br/> 18 Q. My question is, did you<br/> 19 ever take him to the bathroom?<br/> 20 A. I answered you. If he --<br/> 21 if I was in the area and he needed<br/> 22 to go, yes, I would take him.<br/> 23 Q. I don't know what, would</p>               |

51 (Pages 201 to 204)

## Daniel Court Reporting, Inc.

|   |  |
|---|--|
| <p style="text-align: right;">205</p> <p>1 be. Do you have any recollection<br/>2 of taking him to the bathroom?<br/>3 A. No, I do not.<br/>4 Q. Do you have any<br/>5 recollection of giving Mr. Kelly<br/>6 water?<br/>7 A. No, I do not, not<br/>8 specifically, no.<br/>9 Q. Do you have any<br/>10 recollection of taking Mr. Kelly to<br/>11 get a bath?<br/>12 A. No, sir, I would not. I'm<br/>13 a female officer; he is male.<br/>14 Q. Do you have any<br/>15 recollection of making arrangements<br/>16 for Mr. Kelly to get a bath?<br/>17 A. It was standard, sir, that<br/>18 -- that he be allowed to take a<br/>19 bath daily.<br/>20 Q. Did you have any<br/>21 complaints about Al Bradley when he<br/>22 was -- when you were the jail<br/>23 supervisor?</p>                               | <p style="text-align: right;">207</p> <p>1 inmate wanted them to do.<br/>2 Q. Did you ever have<br/>3 complaints from anyone that Al<br/>4 Bradley came to work intoxicated?<br/>5 A. No.<br/>6 Q. Inside or outside of the<br/>7 jail?<br/>8 A. No, sir, not to me.<br/>9 Q. Did you ever have<br/>10 complaints -- or did you ever<br/>11 observe Mr. Bradley intoxicated?<br/>12 A. Never, not on duty.<br/>13 Q. Did you ever observe him<br/>14 intoxicated when he wasn't on duty?<br/>15 A. Not intoxicated, no, sir.<br/>16 Q. Did you ever observe him<br/>17 under the influence of alcohol?<br/>18 A. I have -- I have been at<br/>19 social events where I have myself<br/>20 had a drink with Mr. Bradley.<br/>21 Q. Have you ever had any<br/>22 conversations with Sheriff Owens<br/>23 about Mr. Bradley's drinking on</p> |
| <p style="text-align: right;">206</p> <p>1 A. I had generalized<br/>2 complaints about all the officers<br/>3 from the inmates.<br/>4 Q. I want to begin right now<br/>5 with Al Bradley.<br/>6 A. Okay.<br/>7 Q. Did you have any<br/>8 complaints about Al Bradley from<br/>9 the inmates?<br/>10 A. Sure.<br/>11 Q. What complaints did you<br/>12 have?<br/>13 A. Anything from Al having<br/>14 disciplined them for having their<br/>15 razor when they weren't supposed<br/>16 to. They didn't feel that the<br/>17 discipline was fair, even though it<br/>18 was jail policy. That Al was -- I<br/>19 can't tell you in specific, but I<br/>20 can tell you that I occasionally<br/>21 got complaints on every officer<br/>22 when -- at one time or another<br/>23 because they didn't do what an</p> | <p style="text-align: right;">208</p> <p>1 duty?<br/>2 A. No, sir.<br/>3 Q. Mr. Owens -- excuse me.<br/>4 Mr. Kelly has said that at times<br/>5 that you would give him pills that<br/>6 were -- that were not on his<br/>7 regular regimen. Did you do that?<br/>8 A. No, sir.<br/>9 Q. Other than the one<br/>10 instance that you saw where you had<br/>11 given Mr. Kelly pills, do you have<br/>12 any recollection of giving him any<br/>13 pills of any kind?<br/>14 A. No, sir. The only time<br/>15 that I have given Mr. Kelly any<br/>16 kind of medication would have been<br/>17 reflected on the medical --<br/>18 medication chart.<br/>19 Q. Was it your determination<br/>20 that Mr. Kelly would have to go to<br/>21 the bathroom in the hole in the<br/>22 middle of the floor in the holding<br/>23 cell?</p>        |

52 (Pages 205 to 208)